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WASHINGTON, DC

WHEN: May 18, 1999 at 9:00 am.

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

RIN 3064–AC22

Filing Procedures and Delegations of Authority

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is amending its procedural regulations for mutual-to-stock conversion notices to delegate authority from the FDIC's Board of Directors to the Director and Deputy Director of the Division of Supervision to act on certain requests for the waiver of the depositor vote requirements in its mutual-to-stock conversion regulations. Delegated authority is granted only with respect to requests for the waiver of the depositor vote requirements involving mutual-to-stock conversions in situations where applicable state law in effect as of January 1, 1999, provided for voting by corporators as the only depositor voting mechanism for mutual-to-stock conversions, or prohibited proxy voting by depositors of state-chartered, cooperative savings banks in mutual form. This amendment will expedite the FDIC's final actions regarding such waiver requests.

EFFECTIVE DATE: May 26, 1999.

FOR FURTHER INFORMATION CONTACT: Division of Supervision: John M. Lane, Assistant Director, (202) 898–3671; Calvin B. Riddick, Manager, (202) 898–6758; Scott S. Patterson, Review Examiner, (202) 898–6768; Legal Division: Michael B. Phillips, Counsel, (202) 898–3581.

SUPPLEMENTARY INFORMATION:

I. Background

On November 30, 1994, the FDIC promulgated regulations governing mutual-to-stock conversions of state nonmember banks. (59 FR 61233 (November 30, 1994)). Under the conversion regulations, as recodified in 1998, a proposed conversion must be approved by a vote of at least a majority of the bank's depositors. (12 CFR 333.4(c)(2)). Voting may be in person or by proxy. Waivers of the requirements in § 333.4 may be granted by the FDIC's Board of Directors (the Board) for good cause shown. (12 CFR 333.4(a)). Certain authority involving the FDIC's conversion regulations is delegated; however, under 12 CFR 303.164(b), the authority to act on depositor vote waiver requests is reserved to the Board.

Based on its experience with such waiver requests, the Board has determined that sufficient precedent has been established to allow a delegation of the authority to the Director or Deputy Director of the Division of Supervision (DOS) to act on depositor vote waiver requests when the requests involve state law in effect as of January 1, 1999, regarding (i) voting by corporators as the only depositor voting mechanism for conversions, or (ii) prohibitions under state law regarding proxy voting by depositors of cooperative savings banks in mutual form.

II. Final Amendment to Part 303

Since the promulgation of the conversion regulations in 1994, the Board has approved many depositor waiver requests from mutual savings banks in Massachusetts and other New England states which concerned (i) corporator voting in lieu of voting by all eligible depositors or (ii) prohibitions under state law (for mutual cooperative savings banks) regarding proxy voting by depositors.

The FDIC Board has determined that sufficient precedent has been established with respect to waiver requests in the above circumstances to allow for a delegation of authority to the Director of DOS and Deputy Director of DOS to approve or deny waiver requests. In its review of waiver requests from mutual savings banks whose corporators (not the broader set of eligible depositors) were authorized to vote on mutual-to-stock conversions, the focus of the Board's inquiry has been whether a sufficient number of independent corporators voted in favor of the proposed conversion. This focus accords with the statement in the preamble to the FDIC's conversion regulations that provides the following criteria for such determinations: on a case-by-case basis, the Board will consider waiving the depositor voting requirement if it is demonstrated, to the Board's satisfaction, that the alternative voting mechanism established under the applicable state law satisfies the concerns expressed above regarding the need for a vote on the conversion by parties that are not insiders and do not have a potential conflict of interest in reviewing the proposed conversion. (59 FR 61233, 61238 (November 30, 1994)).

With respect to waiver requests based on state prohibitions on proxy voting by depositors, the focus of inquiry by the Board has been, among other factors, the efforts expended by the cooperative savings bank to encourage in-person depositor voting and the number of depositors with no apparent conflict of interest who attended the special meeting held by the bank and voted for the conversion.

In order to recognize current state law regarding corporator voting or prohibitions on proxy voting by depositors, the Board has decided to only provide the delegation where the request is based upon applicable state law in effect as of January 1, 1999.

III. Effective Date

This amendment to part 303 is being adopted without opportunity for public comment in accordance with section 553(b)(A) of the Administrative Procedure Act (APA) which exempts from required public comment rules of agency organization, procedure, or practice. As this amendment modifies a rule concerning internal delegations of authority, section 553(b)(A) applies.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI) provides that rules imposing reporting, disclosure or other new requirements may not be effective earlier than the first day of the calendar quarter after adoption. This statutory requirement does not apply to this amendment as there are no additional reporting, disclosure or other new requirements imposed by this amendment on insured depository institutions.

IV. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, the FDIC may not

conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. Information collection under the FDIC's mutual-to-stock conversion regulations is approved under OMB control number 3064–0117 and is valid until July 31, 2000. This rulemaking does not modify the collection approved by OMB. As this amendment does not involve any additional recordkeeping or reporting requirements, no Paperwork Reduction Act analysis is required.

V. Regulatory Flexibility Act

In accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601–612, no regulatory flexibility analysis is required with respect to this amendment as the APA does not require that this amendment be published for public comment.

VI. Assessment of Impact of Federal Regulation on Families

The FDIC has determined that this amendment will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act of 1999 (Public Law 105–277).

VII. Small Business Regulatory Enforcement Fairness Act

No notice of a final rule is being provided to Congress regarding this amendment under the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 801. SBREFA provides generally for agencies to report rules to Congress and for major rules not to take effect until a certain period after the notice has been received. However, section 251 of SBREFA provides that rules of agency practice and procedure that do not substantially affect the rights or obligations of non-agency parties are not subject to the reporting requirement and may be made effective in accordance with the APA and any other applicable law. This amendment pertains to the FDIC's delegations of authority, is procedural in nature and does not substantially affect the rights of any non-agency party.

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, Banking, Bank merger, Branching, Foreign branches, Foreign investments, Golden parachute payments, Insured branches, Interstate branching, Reporting and recordkeeping requirements, Savings associations.

For the reasons set forth in the preamble and under the authority of 12 U.S.C. 1819(a)(Tenth), the FDIC Board of Directors hereby amends 12 CFR part 303 as follows:

PART 303—FILING PROCEDURES AND DELEGATIONS OF AUTHORITY

1. The authority citation for part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 1813, 1815, 1816, 1817, 1818, 1819(Seventh, and Tenth), 1820, 1823, 1828, 1831a, 1831e, 1831o, 1831p–1, 1835a, 3104, 3105, 3108, 3207; 15 U.S.C. 1601–1607.

2. Section 303.164 is amended by revising paragraph (b) to read as follows:

§ 303.164 Delegation of authority.

* * * * *

(b) Authority to act on a waiver under § 303.162 is retained by the Board of Directors, except for requests to waive the depositor vote requirements in § 333.4(c)(2) of this chapter when the requests are based on the need for the bank to comply with applicable state law in effect as of January 1, 1999, that provides for voting by corporators as the only depositor voting mechanism for state-chartered, mutual savings banks, or prohibits depositors of state-chartered, cooperative savings banks in mutual form from voting by proxy. Authority is delegated to the Director and Deputy Director (DOS) to act on such waiver requests.

* * * * *

By Order of the Board of Directors.

Dated at Washington, D.C., this 20th day of April, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–10424 Filed 4–23–99; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–CE–25–AD; Amendment 39–11149; AD 95–11–15 R1]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK 21 Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises Airworthiness Directive (AD) 95–11–15, which currently requires replacing the parallel rocker with a part of improved design and incorporating flight manual revisions on all Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASK 21 gliders. AD 95–11–15 was the result of two incidents of the parallel rocker breaking at the elevator connection on the affected gliders. Since that time, the FAA has determined that the AD should only affect those Model ASK 21 gliders equipped with the automatic elevator connection. This AD retains the actions of AD 95–11–15, but only for those gliders with the automatic elevator connection incorporated. The actions specified in this AD are intended to continue to prevent possible loss of elevator control that could result from a broken parallel rocker.

DATES: Effective July 25, 1999.

The incorporation by reference of certain publications as listed in the regulations was previously approved by the Director of the Federal Register as of July 14, 1995 (60 FR 29978, June 7, 1995).

Comments for inclusion in the Rules Docket must be received on or before May 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 91–CE–25–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Alexander Schleicher GmbH & Co., Segelflugzeugbau, Postfach 60, 36163 Poppenhausen, Germany; telephone: ++49 (0) 6658–890; facsimile: ++49 (0) 6658–8923. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 91–CE–25–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Discussion

AD 95–11–15, Amendment 39–9248 (60 FR 29978, June 7, 1995), currently requires the following on all Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASK 21 gliders:

—Replacing the parallel rocker with a part of improved design; and
—Incorporating flight manual revisions.

Accomplishment of these actions is required in accordance with Alexander Schleicher ASK 21 Technical Note No. 22, dated November 26, 1990.

AD 95–11–15 was the result of two incidents of the parallel rocker breaking at the elevator connection on the affected gliders.

The actions specified in AD 95–11–15 are intended to prevent possible loss of elevator control that could result from a broken parallel rocker.

Actions Since Issuance of Previous Rule

Since AD 95–11–15 became effective, the FAA has determined that the AD should only affect those Model ASK 21 gliders equipped with the automatic elevator connection. Model ASK 21 gliders incorporating serial numbers 21206 through 21473 were equipped with the automatic elevator connection at manufacture, and any earlier serial numbers could be modified to incorporate an automatic elevator connection. Alexander Schleicher Technical Note No. 11 includes the procedures necessary to accomplish this modification.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that:

—The applicability of AD 95–11–15 should be limited to only those Model ASK 21 gliders equipped with the automatic elevator connection; and
—AD action should be taken to continue to prevent possible loss of elevator control that could result from a broken parallel rocker.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other Alexander Schleicher Model ASK 21 gliders of the same type design registered in the United States, the FAA is issuing an AD to revise AD 95–11–15. This AD retains the actions of AD 95–11–15, but only for those gliders with the automatic elevator connection incorporated. Accomplishment of the actions of this AD would be required in accordance with Alexander Schleicher ASK 21 Technical Note No. 22, dated November 26, 1990.

Cost Impact

The FAA estimates that 35 gliders in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per glider to accomplish the required action, and that the average labor rate is approximately $60 per work hour. Parts cost approximately $45 per glider. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $3,675, or $105 per glider. This figure is based upon the presumption that no affected glider owner/operator has accomplished the required replacement.

Alexander Schleicher has informed the FAA that improved design parallel rockers have been distributed for all 35 affected gliders. Presuming that each set of parts has been installed on one of the affected gliders, the required action will not impose any cost impact upon U.S. operators.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. This AD restricts the glider applicability in that it only requires the actions on Alexander Schleicher Model ASK 21 gliders that are equipped with the automatic elevator connection instead of all gliders as required by 95–11–15. With this in mind, this AD reduces the burden that is currently required for U.S. operators of the affected gliders. Therefore, this action does not impose a significant burden on affected operators. In accordance with Section 11.17 of the Federal Aviation Regulations (14 CFR 11.17) unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment, is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, a written adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 91–CE–25–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 95–11–15, Amendment 39–9248 (60 FR 29978, June 7, 1995), and by adding a new AD to read as follows:

95–11–15 R1 Alexander Schleicher Segelflugzeugbau: Amendment 39–11149; Docket No. 91–CE–25–AD; Revises AD 95–11–15, Amendment 39–9248.

Applicability: The following serial numbered Model ASK 21 gliders, certificated in any category:

—Serial numbers 21206 through 21473; and

—Any earlier serial numbers that were retrofitted to incorporate an automatic elevator connection.

Note 1: Alexander Schleicher Technical Note No. 11 includes all the procedures necessary to retrofit the earlier serial numbered Model ASK 21 gliders.

Note 2: This AD applies to each glider identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For gliders that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished (compliance with AD 95–11–15).

To prevent possible loss of elevator control that could result from a broken parallel rocker, accomplish the following:

(a) Within 30 calendar days after July 14, 1995 (the effective date of AD 95–11–15), accomplish the following:

(1) Replace the parallel rocker with an improved and stronger part (part number 99.000.4940 with modification status 1), in accordance with the instructions in Alexander Schleicher ASK 21 Technical Note No. 22, dated November 26, 1990.

(2) Incorporate the flight manual revisions included with the technical note referenced above into the aircraft flight manual (AFM).

(b) As of the effective date of this AD, no person may install, on any affected glider, a parallel rocker that is not part number 99.000.4940 with modification status 1.

(c) Accomplishment of the AFM insertion, as required by paragraph (a)(2) of this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the glider to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be used if approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 95–11–15 are considered approved for this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) The replacement required by this AD shall be done in accordance with Alexander Schleicher ASK 21 Technical Note No. 22, dated November 26, 1990. The incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of July 14, 1995 (60 FR 29978, June 7, 1995). Copies may be obtained from Alexander Schleicher GmbH & Co., Segelflugzeugbau, Postfach 60, 36163 Poppenhausen, Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on July 25, 1999. Issued in Kansas City, Missouri, on April 19, 1999.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10313 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–199–AD; Amendment 39–11147; AD 99–09–14]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Lockheed Model L–1011–385 series airplanes, that currently requires inspections to detect cracking of fuselage station (FS) 983 main frame (left and right sides), and repair, if necessary. That AD was prompted by reports of cracks found in the left and right sides of the FS 983 main frame, below the level of the cabin floor. This amendment adds a new requirement to review the airplane maintenance records to determine if a crack within the FS 983 main frame web was detected previously, and if repair of any such crack was deferred; and repetitive inspections, if necessary, until accomplishment of a repair. This amendment also adds terminating action for the repetitive inspections. The actions specified by this AD are intended to prevent cracking of the FS 983 frame, which could result in reduced structural integrity of the fuselage.

DATES: Effective June 1, 1999.

The incorporation by reference of Lockheed Tristar L–1011 Service Bulletin 093–53–266, dated March 2, 1992; as revised by Change Notification CN1, dated July 10, 1992, as listed in the regulations, is approved by the Director of the Federal Register as of June 1, 1999.

The incorporation by reference of Lockheed Service Bulletin 093–53–264, dated October 4, 1991, was approved previously by the Director of the Federal Register as of December 18, 1991 (56 FR 61361, December 3, 1991).

ADDRESSES: The service information referenced in this AD may be obtained from Lockheed Martin Aircraft & Logistics Centers, 120 Orion Street, Greenville, South Carolina 29605. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta

Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 91–21–51, amendment 39–8099 (56 FR 61361, December 3, 1991), which is applicable to all Lockheed Model L–1011–385 series airplanes, was published in the **Federal Register** on August 19, 1998 (63 FR 44411). The action proposed to require inspections to detect cracking of fuselage station (FS) 983 main frame (left and right sides), and repair, if necessary. The action also proposed to add a new requirement to review the airplane maintenance records to determine if a crack within the FS 983 main frame web was detected previously, and if repair of any such crack was deferred; and repair, prior to further flight, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposed Rule

One commenter supports the proposed rule.

Request To Revise Certain Requirements of Proposed Rule

One commenter requests that paragraph (f) of the proposed rule be revised to read, ''For aircraft with previously deferred cracks, continue the current repetitive inspection at the limits given in AD 91–21–51, paragraph (e). Repair of these cracks must be accomplished in accordance with Lockheed Service Bulletin 093–53–266, dated March 2, 1992, within 18 months after the effective date of this AD.'' The commenter states that, as paragraph (f) is worded in the proposed rule, the operator would have to repair any cracks that were deferred in accordance with the requirements in paragraph (e), prior to further flight. This could result in airplanes being immediately out of compliance as of the effective date of the final rule.

The FAA concurs that paragraph (f) of the proposed rule could be misinterpreted as suggested by the commenter. The FAA's intent was that the repair be accomplished prior to further flight after the determination that is required by the first sentence of paragraph (f). To accommodate the commenter's concern, the FAA has revised paragraph (f) of this AD to require the repetitive inspections to continue until accomplishment of the repair. In addition, a new paragraph (g) has been added to require accomplishment of the repair within 18 months after the effective date of this AD.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 235 airplanes of the affected design in the worldwide fleet. The FAA estimates that 117 airplanes of U.S. registry will be affected by this AD.

The external eddy current inspection that currently is required by AD 91–21–51, and is retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required inspection on U.S. operators is estimated to be $7,020, or $60 per airplane.

The internal visual and eddy current inspections that currently are required by AD 91–21–51, and retained in this AD, take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these inspections on U.S. operators is estimated to be $7,020, or $60 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator be required to accomplish the necessary repair of cracking, it would take approximately 30 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the repair required by this AD on U.S. operators is estimated to be $1,800 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8099 (56 FR 61361, December 3, 1991), and by adding a new airworthiness directive (AD), amendment 39–11147, to read as follows:

99–09–14 Lockheed: Amendment 39–11147. Docket 98–NM–199–AD. Supersedes AD 91–21–51, amendment 39–8099.

Applicability: All Model L–1011–385 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (h)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking in the fuselage station (FS) 983 frame, which could result in reduced structural integrity of the fuselage, accomplish the following:

Restatement of Requirements of AD 91–21–51, Amendment 39–8099

(a) Within 20 days after December 18, 1991 (the effective date of AD 91–21–51, amendment 39–8099), inspect the left and right sides of FS 983 main frame from waterline (WL) 175 to WL 200 to detect cracks using a high frequency eddy current procedure, in accordance with paragraph A. of the Accomplishment Instructions of Lockheed Service Bulletin 093–53–264, dated October 4, 1991. At the operator's option, the internal inspection required by paragraph (d) below may be used in lieu of the external inspection.

(b) If cracks that extend into the main frame caps are found during the inspection performed in accordance with paragraph (a) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(c) Within 60 days after December 18, 1991, perform an internal visual and an eddy current inspection of the FS 983 main frame cap and web in accordance with paragraph B. of the Accomplishment Instructions of Lockheed Service Bulletin 093–53–264, dated October 4, 1991.

(d) If cracks in the following locations are found during the inspection required by paragraph (c) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta ACO.

(1) Any crack extending into the main frame caps.

(2) Any crack extending into the web-to-cap radius.

(3) Any crack extending into a web area outside the shaded area shown in Figure 1, Sheet 3, of Lockheed Service Bulletin 093–53–264, dated October 4, 1991.

(4) More than 1 crack within the main frame web area shown in Figure 1, Sheet 3, of Lockheed Service Bulletin 093–53–264, dated October 4, 1991.

(e) If, during the inspection required by paragraph (c) of this AD, a single crack is found that is completely contained within the main frame web area shown in Figure 1, Sheet 3, of Lockheed Service Bulletin 093–53–264, dated October 4, 1991: Prior to further flight, treat the cracked section of the web with corrosion inhibitor in accordance with the service bulletin. Thereafter, repeat the inspections at intervals not to exceed 90 days, using the internal inspection procedure required by paragraph (c) of this AD.

New Requirements of This AD

(f) Within 18 months after the effective date of this AD: Review the airplane maintenance records to determine if a crack within the main frame web area has been detected previously, and to determine if repair of any such crack was deferred in accordance with paragraph (e) of AD 91–21–51, amendment 39–8099. For airplanes having cracks for which a repair has been deferred, continue the repetitive inspections in accordance with the requirements of paragraph (e) of this AD, until accomplishment of paragraph (g) of this AD.

(g) Within 18 months after the effective date of this AD: Repair any crack for which repair has been deferred as specified in paragraph (e) of this AD, in accordance with Lockheed Tristar L–1011 Service Bulletin 093–53–266, dated March 2, 1992; as revised by Change Notification CN1, dated July 10, 1992. Accomplishment of such repair constitutes terminating action for the repetitive inspections required by paragraph (e) of this AD.

Note 2: Lockheed Tristar L–1011 Service Bulletin 093–53–266, dated March 2, 1992; as revised by Change Notification CN1, dated July 10, 1992; references Lockheed Drawings LCC–7622–325, LCC–7622–326, and LCC–7622–327, as additional sources of service information to accomplish repairs.

Alternative Methods of Compliance

(h)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

(h)(2) Alternative methods of compliance, approved previously in accordance with AD 91–21–51, amendment 39–8099, are approved as alternative methods of compliance with the inspection requirements of paragraphs (a) and (c) of this AD, and the repair/modification requirements of paragraphs (b) and (d) of this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(j) Except as provided by paragraphs (b) and (d) of this AD, the actions shall be done in accordance with Lockheed Tristar L–1011 Service Bulletin 093–53–266, dated March 2, 1992; as revised by Change Notification 093–53–266, CN1, dated July 10, 1992; and Lockheed Service Bulletin 093–53–264, dated October 4, 1991.

(1) The incorporation by reference of Lockheed Tristar L–1011 Service Bulletin 093–53–266, dated March 2, 1992; as revised by Change Notification 093–53–266, CN1, dated July 10, 1992, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Lockheed Service Bulletin 093–53–264, dated October 4, 1991, was approved previously by the Director of the Federal Register as of December 18, 1991 (56 FR 61361, December 3, 1991).

(3) Copies may be obtained from Lockheed Martin Aircraft & Logistics Centers, 120 Orion Street, Greenville, South Carolina 29605. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on June 1, 1999.

Issued in Renton, Washington, on April 19, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10183 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–37–AD; Amendment 39–11146; AD 99–09–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757–200 series airplanes, that requires modifications to the attachment installation of the forward lavatory. This amendment is prompted by a stress analysis report indicating that the forward lavatory could break free from the upper and/or lower attachments during an emergency landing. The actions specified by this AD are intended to prevent failure of the attachment installation of the forward lavatory during an emergency landing,

which could result in injury to the crew and passengers.

DATES: Effective June 1, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Keith Ladderud, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2780; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757–200 series airplanes was published in the **Federal Register** on May 12, 1998 (63 FR 26104). That action proposed to require modifications to the attachment installation of the forward lavatory.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule, three commenters offer no objection to the proposed rule, and one commenter states that the proposed rule will not apply to it.

Request to Extend Compliance Time

One commenter requests that the compliance time for the modification requirements be extended from 18 months after the effective date of this AD to 24 months or 3,000 flight cycles, whichever occurs later. The commenter states that such a schedule would coincide with its normal maintenance interval of 24 months or 3,000 flight cycles. The commenter states that the 18-month compliance time would be unnecessarily restrictive and would force it to schedule special maintenance visits for some of its airplanes.

The FAA concurs with the commenter's request to extend the compliance time for the modification requirements. However, the FAA finds that extending the compliance time for both passenger and freighter airplanes from 18 months to 24 months or 3,000 flight cycles after the effective date of this AD, whichever occurs first, will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance. Therefore, paragraphs (a) and (b) of this final rule have been revised accordingly.

Request to Include A Note About Floor Panels on Freighters

One of the commenters who expressed no objection to the proposed rule requests that a note be inserted in the final rule to clarify that the floor panels identified in paragraph (c) of the proposed rule are applicable only for freighter airplanes.

The FAA concurs with the commenter's request. The floor panels specified in paragraph (c) of the final rule are not installed on passenger airplanes. Therefore, a new NOTE 2 has been inserted into the final rule to clarify that the floor panels specified in paragraph (c) of the final rule are only installed on freighter airplanes and are not used on passenger airplanes.

Request to Revise the Service Bulletin

One commenter maintains that it is impossible to accomplish the instructions specified in Boeing Service Bulletin 757–25–0181, dated June 26, 1997, and requests that the service bulletin be revised. The commenter states that a certain doubler specified in the service bulletin does not always have adequate edge margin on existing fasteners. The commenter further states that it fabricated a new doubler to accommodate the fastener spacing and, if this condition is not addressed in rulemaking action, it will be required to request an alternative method of compliance for each airplane that requires a new doubler.

The commenter makes no specific request for a change to the proposal. However, Boeing has been advised of the commenter's situation, and it will survey other operators to determine whether they also have experienced the same short edge margin condition. Boeing will revise the service bulletin if necessary.

The FAA concurs that the commenter will require an alternative method of compliance to allow use of a new doubler of its own manufacture. Under the provisions of paragraph (d) of this final rule, the FAA may consider requests for approval of an alternative method of compliance if sufficient data are submitted to substantiate that the new doubler would provide an acceptable level of safety. No change to the final rule in this regard is necessary.

Request To Increase the Strength of the Lavatory Attachments

The commenter that supports the proposed rule also requests that the strength of the subject lavatory attachments be increased beyond the limit required by 14 CFR 25.561. The commenter states that survivable accident impacts can exceed the 9g static limit before the structure of the airplane breaks up; therefore, the attachments of all structures in the cabin of the airplane should be designed to retain the structure up to a level where the fuselage frames and skin stringers are no longer able to hold together.

The FAA acknowledges the commenter's concern. However, while there may be merit to the commenter's suggestions, this AD is not the appropriate context in which to evaluate those suggestions. As the commenter states, such an increase in the strength of the lavatory attachments would require a change to the 14 CFR 25.561. The FAA has determined that an unsafe condition exists, and that the actions required by this AD are adequate in order to ensure the continued safety of the affected fleet. No change to the final rule in this regard is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 333 airplanes of the affected design in the worldwide fleet. The FAA estimates that 225 airplanes of U.S. registry will be affected by this AD: 164 passenger airplanes and 61 freighter airplanes.

It will take approximately 10 work hours per passenger airplane to accomplish the required modification, at an average labor rate of $60 per work hour. Required parts will cost approximately $100 per airplane. Based on these figures, the cost impact of the required modification on U.S. operators is estimated to be $114,800, or $700 per passenger airplane.

It will take approximately 42 work hours per freighter airplane to accomplish the required modification, at an average labor rate of $60 per work hour. Required parts will be provided by the airplane manufacturer at no cost to the operators. Based on these figures, the cost impact of this required modification on U.S. operators is estimated to be $153,720, or $2,520 per freighter airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–09–13 Boeing: Amendment 39–11146. Docket 98–NM–37–AD.

Applicability: Model 757–200 series airplanes; as listed in Boeing Service Bulletin 757–25–0181, dated June 26, 1997, and Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the attachment installation of the forward lavatory during an emergency landing, which could result in injury to the crew and passengers, accomplish the following:

(a) For passenger airplanes identified in Boeing Service Bulletin 757–25–0181, dated June 26, 1997: Within 24 months or 3,000 flight cycles after the effective date of this AD, whichever occurs first, install a doubler to the upper attachment installation of the forward lavatory in accordance with Boeing Service Bulletin 757–25–0181, dated June 26, 1997.

(b) For freighter airplanes identified in Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997: Within 24 months or 3,000 flight cycles after the effective date of this AD, whichever occurs first, install floor panel inserts, a retention fitting assembly, and a doubler assembly to the lower attachment installation of the forward lavatory, in accordance with Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997.

(c) As of the effective date of this AD, no person shall install a floor panel, part number 141N5410–12 or 141N5410–28, on any airplane.

Note 2: Floor panels having part numbers 141N5410–12 and 141N5410–28 are only installed on freighter airplanes and are not used on passenger airplanes.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with Boeing Service Bulletin 757–25–0181, dated June 26, 1997, and Boeing Alert Service Bulletin 757–25A0187, dated September 18, 1997, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 1, 1999.

Issued in Renton, Washington, on April 19, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10181 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–80–AD; Amendment 39–11141; AD 99–09–08]

RIN 2120–AA64

Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Avions Pierre Robin Model R2160 airplanes. This AD requires repetitively inspecting the aileron/flap common support bracket for cracks, loose rivets, or separation of the bracket from the skin, and reinforcing the bracket either immediately or at a certain time period depending on whether discrepancies are found during the inspections. Reinforcing the aileron/flap common support bracket terminates the repetitive inspection requirement. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions

specified by this AD are intended to detect defects in the aileron/flap common support bracket (cracks, loose rivets, or separation of the bracket from the skin), which could result in reduced or loss of control of the airplane.

DATES: Effective June 7, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 7, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33–3 80 44 20 50; facsimile: 33–3 80 35 60 80. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–80–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl M. Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Avions Pierre Robin Model R2160 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on February 8, 1999 (64 FR 5985). The NPRM proposed to require repetitively inspecting the aileron/flap common support bracket for cracks, loose rivets, or separation of the bracket from the skin, and reinforcing the bracket either immediately or at a certain time period depending on whether discrepancies are found during the inspections.

Accomplishment of the proposed inspections as specified in the NPRM would be required in accordance with Avions Pierre Robin Service Bulletin No. 90, dated May 3, 1982. Accomplishment of the proposed reinforcement as specified in the NPRM would be required in accordance with Avions Pierre Robin Repair Kit No. 97.40.16, as specified in Avions Pierre Robin Service Bulletin No. 90, dated May 3, 1982.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 10 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the initial inspection and modification, and that the average labor rate is approximately $60 per work hour. Parts cost approximately $100 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $3,400, or $340 per airplane.

These figures only take into account the costs of the initial inspection and do not take into account the costs of repetitive inspections. The FAA has no way of determining the number of repetitive inspections an owner/operator will incur during 12 months or when a crack is found, whichever occur first (when the modification becomes mandatory).

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–09–08 Avions Pierre Robin: Amendment 39–11141; Docket No. 98–CE–80–AD.

Applicability: Model R2160 airplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect defects in the aileron/flap common support bracket (cracks, loose rivets, or separation of the bracket from the skin), which could result in reduced or loss of control of the airplane, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 50 hours TIS until the reinforcement required by paragraph (b) of this AD is accomplished, inspect the aileron/flap common support brackets for cracks, loose rivets, or separation of the bracket from the skin. Accomplish this

inspection in accordance with Avions Pierre Robin Service Bulletin No. 90, dated May 3, 1982.

(b) At whichever of the compliance times in paragraphs (b)(1) and (b)(2) of this AD that occurs first, reinforce the left-hand and right-hand aileron/flap common support bracket in accordance with the instructions in Avions Pierre Robin Repair Kit No. 97.40.16, as specified in Avions Pierre Robin Service Bulletin No. 90, dated May 3, 1982.

(1) Prior to further flight if any crack(s), loose rivet(s), and/or separation of the bracket from the skin is/are found during any inspection required by paragraph (a) of this AD; or

(2) Within the next 12 calendar months after the effective date of this AD.

(c) Reinforcing the aileron/flap common support bracket as specified in paragraph (b) of this AD is considered terminating action for the repetitive inspection requirement of this AD.

(d) As of the effective date of this AD, no person may install, on any affected airplane, an aileron/flap common support bracket that has not been reinforced as specified in paragraph (b) of this AD.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be used if approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(g) Questions or technical information related to the service information referenced in this AD should be directed to Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 33–3 80 44 20 50; facsimile: 33–3 80 35 60 80. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(h) The inspections required by this AD shall be done in accordance with Avions Pierre Robin Service Bulletin No. 90, dated May 3, 1982. The reinforcements required by this AD shall be done in accordance with the instructions in Avions Pierre Robin Repair Kit No. 97.40.16, as specified in Avions Pierre Robin Service Bulletin No. 90, dated May 3, 1982. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in issued French AD 82–70–(A), dated May 19, 1982.

(i) This amendment becomes effective on June 7, 1999.

Issued in Kansas City, Missouri, on April 15, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10173 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–214–AD; Amendment 39–11145; AD 99–09–12]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace (Jetstream) Model 4101 series airplanes, that requires repetitive inspections to detect damage of the structure associated with the engine nacelle fairing attached to the wing flaps, and repair of any damage found; drilling a new drain hole in each engine nacelle fairing; and applying a sealant to the gap between the wing flap and engine nacelle fairing. This amendment also requires correction of discrepancies, and modification of the wing flap structure, which terminates the repetitive inspections. This amendment is prompted by reports of fatigue cracks found in the structure that attaches the engine nacelle fairing to the wing flaps. The actions specified by this AD are intended to prevent such fatigue cracking, which could result in the partial or complete separation of the fairing from the wing flap, and consequent additional structural damage to the airframe and/or reduced controllability of the airplane.

DATES: Effective June 1, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 1, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace (Jetstream) Model 4101 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on February 17, 1999 (64 FR 7830). That action proposed to require repetitive inspections to detect damage of the structure associated with the engine nacelle fairing attached to the wing flaps, and repair of any damage found; drilling a new drain hole in each engine nacelle fairing; and applying a sealant to the gap between the wing flap and engine nacelle fairing. That action also proposed to limit the applicability of the AD. The action also proposed to require corrective actions for discrepancies, and modification of the wing flap structure, which would terminate the repetitive inspections.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 51 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to perform the detailed visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S.

operators is estimated to be $6,120, or $120 per airplane, per inspection cycle.

It will take approximately 1 work hour per airplane to drill a drain hole and apply primer and sealant, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these actions required by this AD on U.S. operators is estimated to be $3,060, or $60 per airplane.

It will take approximately 90 work hours per airplane to accomplish the required terminating modification, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,658 per airplane. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be $410,958, or $8,058 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–09–12 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39–11145. Docket 96-NM–214-AD.

Applicability: Jetstream Model 4101 airplanes, excluding those on which Jetstream Modifications JM41575B and JM41575C have been accomplished, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking in the structure that attaches the flap nacelle fairing to the wing flaps, which could result in the partial or complete separation of the fairing from the wing flap, and consequent additional structural damage to the airframe and/or reduced controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 1,500 total hours time-in-service, or within 60 days after the effective date of this AD, whichever occurs later, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(1) Perform a detailed visual inspection to detect discrepancies [cracks, loose rivets and Jo-Bolts, chafing damage at the flap trailing edge, and installation of nonstandard parts (as defined in Figure 1. of Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997)] and previous repairs of the flap structure that attaches the flap nacelle fairing to each wing flap; in accordance with Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997. Repeat the inspection thereafter at intervals not to exceed 1,500 hours time-in-service until the requirements of paragraph (b) of this AD have been accomplished.

(i) Except as provided by paragraph (a)(1)(ii) of this AD, if any discrepancy is found, prior to further flight, perform corrective action in accordance with Revision 1 or Revision 2 of the alert service bulletin.

(ii) If any discrepancy is found for which Revision 1 or Revision 2 of the alert service bulletin specifies to contact the manufacturer to obtain a repair scheme: Prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority (or its delegated agent).

(2) Drill a drain hole in the flap nacelle fairing on each wing flap, in accordance with Jetstream Alert Service Bulletin J41-A57–015, dated May 27, 1996, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997.

(3) Apply new primer and sealant to the gap between the wing flap and flap nacelle fairing, in accordance with Jetstream Alert Service Bulletin J41-A57–015, Revision 1, dated August 23, 1996, or Revision 2, dated June 30, 1997.

(b) Within 3,000 hours time-in-service after the effective date of this AD: Modify the wing flap structure in accordance with Jetstream Service Bulletin J41–57–017, dated May 9, 1997. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) Except as provided by paragraph (a)(1)(ii) of this AD, the actions shall be done in accordance with Jetstream Service Bulletin J41–57–017, dated May 9, 1997; Jetstream Alert Service Bulletin J41–A57–015, Revision 1, dated August 23, 1996; and Jetstream Alert Service Bulletin J41–A57–015, Revision 2, dated June 30, 1997, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–3	2	June 30, 1997.
2, 4–9	1	Aug. 23, 1996.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in British airworthiness directive 006–05–96.

(f) This amendment becomes effective on June 1, 1999.

Issued in Renton, Washington, on April 19, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10180 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–50–AD; Amendment 39–11140; AD 99–09–07]

RIN 2120–AA64

Airworthiness Directives; S.N. CENTRAIR 101 Series Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all S.N. CENTRAIR (CENTRAIR) 101 series gliders that have modification 101–24 (major cockpit configuration equipped on all gliders manufactured since 1990) incorporated, and do not have modification 101–21 (minor modifications to this cockpit configuration) incorporated. This AD requires installing an attachment lug to the supporting bracket in order to secure the battery discharge warning device. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent elevator flight control interference caused by an unsecured battery discharge warning device, which could result in reduced or loss of glider control.

DATES: Effective June 7, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of June 7, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from S.N. CENTRAIR, Aerodome—36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–50–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all CENTRAIR 101 series gliders that have modification 101–24 (major cockpit configuration equipped on all gliders manufactured since 1990) incorporated, and do not have modification 101–21 (minor modifications to this cockpit configuration) incorporated was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 5, 1999 (64 FR 441). The NPRM proposed to require installing an attachment lug (part number $Y986A or an FAA-approved equivalent part number) to the supporting bracket in order to secure the battery discharge warning device.

Accomplishment of the proposed action as specified in the NPRM would be required in accordance with CENTRAIR Service Bulletin No. 101–19, Revision 1, dated May 20, 1997.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

Although the elevator flight control interference caused by an unsecured battery discharge warning device would only be unsafe during flight, the unsafe condition is not a result of the number of times the glider is operated. The chance of the battery discharge warning device becoming unsecure is the same for a glider with 50 hours time-in-service (TIS) as it would be for a glider with 500 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in this AD in order to assure that the unsafe condition is addressed on all gliders in a reasonable time period.

Cost Impact

The FAA estimates that 63 gliders in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per glider to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $15 per glider. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $16,065, or $255 per glider.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3)

will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–09–07 S.N. Centrair: Amendment 39–11140; Docket No. 98–CE–50–AD.

Applicability: Models 101, 101A, 101P, and 101AP gliders, all serial numbers, certificated in any category, that have modification 101–24 (major cockpit configuration equipped on all gliders manufactured since 1990) incorporated, and do not have modification 101–21 (minor modifications to this cockpit configuration) incorporated.

Note 1: This AD applies to each glider identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For gliders that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD.

The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 3 calendar months after the effective date of this AD, unless already accomplished.

To prevent elevator flight control interference caused by an unsecured battery discharge warning device, which could result in reduced or loss of glider control, accomplish the following:

(a) Secure the battery discharge warning device by installing an attachment lug (part number $Y986A or an FAA-approved equivalent part number) to the supporting bracket. Accomplish this installation in accordance with CENTRAIR Service Bulletin No. 101–19, Revision 1, dated May 20, 1997.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the glider to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to CENTRAIR Service Bulletin No. 101–19, Revision 1, dated May 20, 1997, should be directed to S.N. CENTRAIR, Aerodome—36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) The modification required by this AD shall be done in accordance with S.N. CENTRAIR Service Bulletin No. 101–19, Revision 1, dated May 20, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from S.N. CENTRAIR, Aerodome—36300 Le Blanc, France. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French AD 97–149(A), dated July 16, 1997.

(f) This amendment becomes effective on June 7, 1999.

Issued in Kansas City, Missouri, on April 15, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10167 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–104–AD; Amendment 39–11143; AD 99–09–10]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B200T, B200CT, 300, B300, B300C, and A200CT Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Models C90A, B200, B200C, B200T, B200CT, 300, B300, B300C, and A200CT airplanes. This AD requires installing a filter element in the landing gear hand pump suction line. This AD is the result of reports of the potential for debris to enter the landing gear hand pump and interfere with its operation, which could prevent the nose landing gear from being extended manually. Two occurrences were reported of nose landing gear collapse after manual extension. The actions specified by this AD are intended to prevent the inability to extend the landing gear with the hand pump caused by debris entering the landing gear hand pump, which could result in passenger injury or damage to the airplane if manual operation of the landing gear failed.

DATES: Effective June 7, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 7, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–104–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul DeVore, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4142; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Models C90A, B200, B200C, B200T, B200CT, 300, B300, B300C, and A200CT airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 5, 1999 (64 FR 443). The NPRM proposed to require installing a filter element in the landing gear hand pump suction line. Accomplishment of the proposed action as specified in the NPRM would be required in accordance with Raytheon Mandatory Service Bulletin SB 32–3073, Revision 1, Issued: March, 1998, Revised: July 1998.

The NPRM was the result of reports of the potential for debris to enter the landing gear hand pump and interfere with its operation, which could prevent the nose landing gear from being extended manually. Two occurrences were reported of nose landing gear collapse after manual extension.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 991 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 5 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Raytheon will give warranty credit for parts until July 31, 1999. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $297,300, or $300 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–09–10 Raytheon Aircraft Company (All type certificates of the affected airplanes previously held by the Beech Aircraft Corporation): Amendment 39–11143; Docket No. 98–CE–104–AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Models	Serial numbers
C90A	LJ–1063 through LJ–1482
B200	BB–1158, BB–1167, BB–1193 through BB–1532, and all serial numbers with Beech Kit 101–8018 incorporated
B200C	BL–113 through BL–117, BL–124 through BL–140, and all serial numbers with Beech Kit 101–8018 incorporated
B200T	BT–31 through BT–38, and all serial numbers with Beech Kit 101–8018 incorporated
B200CT	BN–2, BN–3, and BN–4 that have Beech Kit 101–8018 incorporated
B200CT	FG–1 and FG–2
300	FA–1 through FA–230
300	FF–1 through FF–19
B300	FL–1 through FL–138
B300C	FM–1 through FM–9
B300C	FN–1
A200C T (C–12D)	BP–46 through BP–51
A200CT (C–12F)	BP–52 through BP–63
A200CT (RC–12H)	GR–14 through GR–19
A200CT (RC–12K)	FE–1 through FE–9
A200CT (RC–12N)	FE–10 through FE–24
A200CT (RC–12P)	FE–25 through FE–31, FE–33, and FE–35
A200CT (RC–12Q)	FE–32, FE–34, and FE–36
B200C (C–12F)	BL–73 through BL–112 and BL–118 through BL–123
B200C (C–12F)	BP–64 through BP–71
B200C (UC–12F)	BU–1 through BU–10
B200CT (RC–12F)	BU–11 and BU–12
B200C (UC–12M)	BV–1 through BV–10
B200C (RC–12M)	BV–11 and BV–12
B200C (C–12R)	BW–1 through BW–19

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

Note 2: The service information referenced in this AD specifies 800-hour repetitive inspections. This AD does not require these inspections.

To prevent the inability to extend the landing gear with the hand pump caused by debris entering the landing gear hand pump, which could result in passenger injury or damage to the airplane if manual operation of the landing gear failed, accomplish the following:

(a) Install a filter element in the landing gear hand pump suction line, in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin SB 32–3073, Revision 1, Issued: March, 1998, Revised: July 1998.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(d) The installation required by this AD shall be done in accordance with Raytheon Mandatory Service Bulletin SB 32–3073, Revision 1, dated July 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(e) This amendment becomes effective on June 7, 1999.

Issued in Kansas City, Missouri, on April 15, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10171 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–6]

Modification of Class E Airspace; Howell, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies Class E airspace at Howell, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 036° helicopter point in space approach, has been developed for McPherson Hospital Heliport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action modifies existing controlled airspace for Howell, MI, in order to include the point in space approach serving McPherson Hospital Heliport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, February 10, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Howell, MI (64 FR 6583). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 part 71 modifies Class E airspace at Howell, MI, to accommodate aircraft executing the proposed GPS SIAP 036° helicopter point in space approach for McPherson Hospital Heliport by modifying existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective

September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Howell, MI [Revised]

Howell, Livingston County Airport, MI
(Lat. 42°37′46″ N., long. 83°59′03″ W)
McPherson Hospital, MI
Point in Space Coordinates
(Lat. 42°36′25″ N., long 83°56′58″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Livingston County Airport, and within a 6.0-mile radius of the Point in Space serving McPherson Hospital, excluding that airspace within the Detroit, MI, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10433 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–11]

Establishment of Class E Airspace; and Modification of Class E Airspace; Alpena, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice establishes Class E airspace and modifies Class E airspace at Alpena, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 012° helicopter point in space approach, has been developed for Alpena General Hospital Heliport, Alpena, MI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action modifies existing controlled airspace for Alpena, MI, in order to include the point in space approach serving Alpena General Hospital Heliport. In addition, air carrier operations are routinely conducted into and out of the airport during periods of time when the airport traffic control tower (ATCT) is closed. This action creates a Class E airspace area during periods of time when the ATCT is closed to better accommodate those operations.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Thursday, February 18, 1999, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace and modify Class E airspace at Alpena, MI (64 FR 8031). The proposal was to add controlled airspace extending upward from the surface and 700 to 1200 feet AGL to contain Instrument Flight Rule (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from the surface are published in paragraph 6002 and airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace and modifies Class E airspace at Alpena, MI, to accommodate aircraft executing the proposed GPS SIAP 012° helicopter point in space approach for Alpena General Hospital Heliport by modifying the existing controlled airspace, and to accommodate air carrier operations during periods of times when the ATCT is closed by establishing a new Class E surface area. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Pointing, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6002 Class E airspace areas designated as surface areas.

* * * * *

AGL MI E2 Alpena, MI [New]

Alpena County Regional Airport
(Lat. 45°04′41″ N., long. 83°33′37″ W.)
Alpena VORTAC
(Lat 45° 04′ 58″N., long. 83° 33′ 25″W.)

Within a 4.4-mile radius of the Alpena County Regional Airport, and within 2.5 miles each side of the Alpena VORTAC 350° radial, extending from the 4.4-mile radius of the airport to 7.0 miles north of the VORTAC, and within 2.5 miles each side of the Alpena VORTAC 187° radial, extending from the 4.4-mile radius of the airport to 7.0 miles south of the VORTAC. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6005 Class E airspace area extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Alpena, MI [Revised]

Alpena County Regional Airport
(Lat. 45°04′41″ N, long. 83°33′37″ W.)
Alpena VORTAC
(Lat. 45°04′58″ N., long. 83°33′25″ W.)
FELPS NDB
(Lat. 44°57′39″ N., long. 83°33′36″ W.)
Alpena General Hospital, MI
Point in Space Coordinates
(Lat. 45°04′38″ N., long, 83°26′53″ W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of Alpena County Regional Airport and within 4.0 miles each side of the 180° bearing from the FELPS NDB extending from the 7.0-mile radius to 12.3 miles south of the Alpena VORTAC, and within a 6.0-mile radius of the Point in Space serving Alpena General Hospital.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10434 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–9]

Revocation of Class E Airspace, Saginaw, Harry W. Browne Airport, MI; Revocation of Class E Airspace, Saginaw, Tri-City Airport, MI; and Establishment of Class E Airspace; Saginaw, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice revokes the Class E airspace for Saginaw, Harry W. Browne Airport, MI, and Saginaw, Tri-City Airport, MI, and establishes a single Class E airspace area for Saginaw, MI. The Class E airspace for Harry W. Browne Airport is largely encompassed by the Class E airspace for Tri-City Airport already. Further, the airport names for Harry W. Browne Airport and Tri-City Airport have recently changed, requiring renaming the Class E airspace areas. Harry W. Browne Airport is now called Saginaw County H.W. Browne Airport, and Tri-City Airport is now called MBS International Airport. In addition, a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 021° helicopter point in space approach, has been developed for Saint Mary's Hospital Heliport, Saginaw, MI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing this approach. This action combines the two existing Class E airspace areas into one Class E airspace area, renames the Class E airspace area to Sagniaw, MI, incorporates the new airport names, and increases the size of the new airspace area slightly in order to include the point in space approach serving Saint Mary's Hospital Heliport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, February 10, 1999, the FAA proposed to amend 14 CFR part 71 to revoke Class E airspace and establish Class E airspace at Saginaw, MI (64 FR 6581). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were receive. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes a new Class E airspace area at Saginaw, MI. This action revokes the two existing Class E airspace areas (Saginaw, Harry W. Browne Airport, MI, and Saginaw, Tri-City Airport, MI) and combines them into one new Class E airspace area. The new Class E airspace areas is slightly larger than the two existing Class E airspace areas in order to accommodate aircraft executing the proposed GPS SIAP 021° helicopter point in space approach for Saint Mary's Hospital Heliport, Saginaw, MI. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Saginaw, Harry W. Browne Airport, MI [Removed]

* * * * *

AGL MI E5 Saginaw, Tri-City Airport, MI [Removed]

* * * * *

AGL MI E5 Saginaw, MI [New]

MBS International Airport, MI
(Lat. 43°31′58″ N., long. 84°04′47″ W.)
Saginaw County H. W. Browne Airport, MI

(Lat. 43°26′00″ N., long. 83°51′45″ W.)
Bay City, James Clements Municipal Airport, MI
(Lat. 43°32′49″ N., long. 83°53′44″ W.)
Midland, Jack Barstow Airport, MI
(Lat. 43°39′46″ N., long. 84°15′41″ W.)
Saint Mary's Hospital, MI
Point in Space Coordinates
(Lat. 43°24′54″ N., long. 83°56′27″ W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of MBS International Airport, within a 6.4-mile radius of Saginaw County H.W. Browne Airport, within a 6.4-mile radius of James Clements Municipal Airport, within a 6.3-mile radius of Jack Barstow Airport, and within a 6.0-mile radius of the Point in Space serving Saint Mary's Hospital.

* * * * *

Issued in Des Plaines, Illinois, on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10435 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–10]

Modification of Class E Airspace; Marlette, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies Class E airspace at Marlette, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 011° helicopter point in space approach, has been developed for Marlette Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to modify existing controlled airspace for Marlette, MI, in order to include the point in space approach serving Marlette Airport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, February 10, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Marlette, MI (64 FR 6579). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Marlette, MI, to accommodate aircraft executing the proposed GPS SIAP 011° helicopter point in space approach for Marlette Airport by modifying existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Pargaraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Marlette, MI [Revised]

Marlette Airport, MI
(Lat. 43°18′43″N., long. 83° 05′27″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Marlette Airport.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10436 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–5]

Modification of Class E Airspace; Hallock, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies Class E airspace at Hallock, MN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 31 has been developed for Hallock Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of the existing controlled airspace for this airport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, February 12, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Hallock, MN (64 FR 7142). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Hallock, MN, to accommodate aircraft executing the proposed GPS Rwy 31 SIAP at Hallock Municipal Airport by modifying the existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Hallock MN [Revised]

Hallock Municipal Airport, MN
(Lat. 48°45′10″ N., long. 96°56′35″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Hallock Municipal Airportand within 4.0 miles each side of the 136° bearing from the airport, extending from the 6.4-mile radius to 9.8 miles southeast of the airport.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10441 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–4]

Modification of Class E Airspace; Cahokia, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies Class E airspace at Cahokia, IL. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 30L has been developed for St. Louis Downtown-Parks Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action increases the radius of the existing controlled airspace for this airport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, February 12, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Cahokia, IL (64 FR 7141). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rule (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Cahokia, IL, to accommodate aircraft executing the proposed GPS Rwy 30L SIAP at St. Louis Downtown-Parks Airport by modifying the existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL IL E5 Cahokia IL [Revised]

Cahokia, St. Louis Downtown—Parks Airport, IL
(Lat. 38°34′15″ N, long. 90°09′22″ W.)

That airspace extending upward from 700 feet above the surface within an 6.7-mile radius of the St. Louis Downtown-Parks Airport.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10440 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–79]

Establishment of Class E Airspace; Waverly, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice establishes Class E airspace at Waverly, OH. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 07, a GPS SIAP to Rwy 25, and a Nondirectional Beacon (NDB) SIAP to Rwy 25, have been developed for Pike County Airport. Controlled airspace extending upward from 700 feet to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approaches. This action creates controlled airspace at Pike County Airport to accommodate the approaches.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Thursday, February 11, 1999, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Waverly, OH (64 FR 6823). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Waverly, OH, to accommodate aircraft executing the proposed GPS Rwy 07 SIAP, GPS Rwy 25 SIAP, and NDB Rwy 25 SIAP, at Pike County Airport by creating controlled airspace at the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL OH E5 Waverly, OH [New]

Waverly, Pike County Airport, OH

(Lat. 39°10′00″ N., long. 82°55′45″ W.)

That airspace extending upward from 700 feet above the surface within a 8.8-mile radius of the Pike County Airport and within 3.9 miles each side of the 242° bearing from the airport extending from the 8.8-mile radius to 9.8 miles southwest of the airport and 5.0 miles each side of the 064° bearing from the airport extending from the 8.8-mile radius to 9.6 miles northeast of the airport.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10439 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AGL–75]

Modification of Class E Airspace; Fremont, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Fremont, OH. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 06, and a GPS SIAP to Rwy 24, have been developed for Sandusky County Regional Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approaches. This action modifies existing controlled airspace for Fremont, OH, by expanding the airspace to the southeast to accommodate the instrument flight procedures at the Sandusky County Regional Airport. This is an unrelated airspace action to the airspace action in docket number 98–AGL–56, Modification of Class E Airspace, Fremont, OH, (64 FR 4782, February 1, 1999) and incorporates the changes specified in that document.

EFFECTIVE DATE: 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone(847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, February 12, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Fremont, OH (64 FR 7143). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Fremont, OH, to accommodate aircraft executing the proposed GPS Rwy 06 SIAP, and GPS Rwy 24 SIAP, at Sandusky County Regional Airport by expanding the existing controlled airspace to the southeast for the airport. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL OH E5 Fremont, OH [Revised]

Fremont Airport, OH
(Lat. 41°20′03″ N., long. 83°09′36″ W)
Sandusky County Regional Airport, OH
(Lat. 41°17′45″ N., long. 83°02′14″ W)
Memorial Hospital of Sandusky County, OH
Point In Space Coordinates
(Lat. 41°20′18″ N., long. 83°08′57″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Fremont Airport, and within a 6.5-mile radius of the Sandusky County Regional Airport, and within a 6.0-mile radius of the Point in Space serving Memorial Hospital of Sandusky County, excluding the airspace within the Bellevue, OH, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10438 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–8]

Modification of Class E Airspace; Detroit, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies Class E airspace at Detroit, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP),

008° helicopter point in space approach, has been developed for Port Huron Hospital Heliport, Port Huron, MI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to modify existing controlled airspace for Detroit, MI, in order to include the point in space approach serving Port Huron Hospital Heliport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, February 10, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Detroit, MI (64 FR 6582). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Detroit, MI, to accommodate aircraft executing the proposed GPS SIAP 008° helicopter point in space approach for Port Huron Hospital Heliport by modifying existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Detroit, MI [Revised]

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 43°06′44″ N., long. 82°21′49″ W.; on the Canadian boundary to lat. 43°04′00″ N., long. 82°30′00″ W.; to lat. 42°56′00″ N., long. 83°00′00″ W.; to lat. 42°45′00″ N., long. 83°50′00″ W.; to 42°30′00″ N., long. 83°50′00″ W.; to lat. 42°10′00″ N., long. 84°00′00″ W.; to lat. 42°00′00″ N., long. 83°30′00″ W.; thence east along the 42nd parallel to the Canadian boundary, thence along the Canadian boundary to the point of beginning.

* * * * *

Issued in the Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10437 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–7]

Modification of Class E Airspace; Flint, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies Class E airspace at Flint, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 047° helicopter point in space approach, has been developed for Genesys Regional Medical Center Heliport, Grand Blanc, MI. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action modifies existing controlled airspace for Flint, MI, in order to include the point in space approach serving Genesys Regional Medical Center Heliport.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle M. Behm, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, February 10, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Flint, MI (64 FR 6581). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Flint, MI, to accommodate aircraft executing the proposed GPS SIAP 047° helicopter point in space approach for Genesys Regional Medical Center Heliport by modifying existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration for the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Flint, MI [Revised]

Flint, Bishop International Airport, MI
(Lat. 42°57′56″ N., long. 83°44′37″ W.)
Owosso Community Airport, MI
(Lat. 42°59′35″ N., long. 84°08′20″ W.)
Davison, Athelone Williams Memorial Airport, MI
(Lat. 43°01′45″ N., long. 83°31′47″ W.)
Linden, Prices Airport, MI
(Lat. 42°48′28″ N., long. 83°46′39″ W.)
PETLI LOM
(Lat. 42°58′05″ N., long. 83°53′25″ W.)
Grand Blanc, Genesys Regional Medical Center, MI
Point in Space Coordinates
(Lat. 42°52′59″ N., long. 83°39′05″ W.)

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Bishop International Airport, and within 4.4 miles north and 7.0 miles south of the Flint ILS localizer west course, extending from the 10.5-mile radius area to 10.5 miles west of the PETLI LOM, and within a 6.4-mile radius of the Owosso Community Airport, and within a 6.3-mile radius of the Prices Airport, and within a 6.3-mile radius of the Athelone Williams Memorial Airport, and within a 6.0-mile radius of the Point in Space serving Genesys Regional Medical Center, excluding that airspace within the Detroit, MI, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on April 8, 1999.

David B. Johnson,

Acting Manager, Air Traffic Division.

[FR Doc. 99–10432 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Narasin and Nicarbazin With Roxarsone

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Elanco Animal Health, a Division of Eli Lilly and Co. The NADA provides for combining approved narasin/nicarbazin (1:1 fixed ratio) and roxarsone type A medicated articles to make combination drug type C medicated broiler chicken feeds for prevention of coccidiosis, for increased rate of weight gain, improved feed efficiency, and improved pigmentation.

EFFECTIVE DATE: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Gilbert, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–1600.

SUPPLEMENTARY INFORMATION: Elanco Animal Health, a Division of Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285, filed NADA 141–113 that provides for combining approved narasin/nicarbazin (1:1 fixed ratio, 27 grams per pound (g/lb) each) (Maxiban®) and roxarsone (45.4, 90, and 227 g/lb) (3–Nitro®) type A medicated articles to make combination drug type C medicated broiler chicken feeds. The type C feeds contain 27 to 45 g/ton each of narasin and nicarbazin and 22.7 to 45.4 g/ton roxarsone. The type C broiler feeds are used for prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* and for increased rate of weight gain, improved feed efficiency, and improved pigmentation. The NADA is approved as of March 4, 1999, and the regulations are amended in 21 CFR 558.363, 558.366, and 558.530 to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

This approval is for use of approved type A medicated articles to make combination drug type C medicated feeds. These ingredients are Category II drugs as defined in 21 CFR 558.3(b)(1)(ii). As provided in 21 CFR 558.4(b), an approved form FDA 1900 is required for making type B or C medicated feeds as in this application. Under section 512(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(m)), as amended by the Animal Drug Availability Act of 1996 (Pub. L. 104–250), medicated feed applications have been replaced by a requirement for manufacture in a licensed feed mill. Therefore, use of narasin/nicarbazin and roxarsone type A medicated articles to make type C medicated feeds as in NADA 141–113 is limited to manufacture in a licensed feed mill.

FDA has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.363 is amended by adding paragraph (d)(2)(iv) to read as follows:

§ 558.363 Narasin.

* * * * *

(d) * * *

(2) * * *

(iv) Nicarbazin and roxarsone as in § 558.366.

3. Section 558.366 is amended in the table in paragraph (c) under entry ''27 to 45'' by alphabetically adding an entry ''Narasin 27 to 45 and roxarsone 22.7 to 45.4'' to read as follows:

§ 558.366 Nicarbazin.

* * * * *

(c) * * *

Nicarbazin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
27 to 45				
* *	*	*	*	* *
	Narasin 27 to 45 and roxarsone 22.7 to 45.4.	Broiler chickens; for prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*; for increased rate of weight gain, improved feed efficiency, and improved pigmentation.	Feed continuously as sole ration. Use as sole source of organic arsenic. Withdraw 5 days before slaughter. Do not allow turkeys, horses or other equines access to formulations containing narasin. Ingestion of narasin by these species has been fatal. Do not feed to laying hens. Use as sole source of organic arsenic. Narasin and nicarbazin as provided by 000986, roxarsone by 046573.	000986
*	*	*	*	*

4. Section 558.530 is amended by adding paragraph (d)(5)(xxvi) to read as follows:

§ 558.530 Roxarsone.

* * * * *

(d) * * *

(5) * * *

(xxvi) Narasin and nicarbazin as in § 558.366.

* * * * *

Dated: April 9, 1999.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 99–10291 Filed 4–23–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 901, 904, 913, 914, 915, 916, 918, 925, 936, and 943

[Technical Amendment No. MCRCC–01]

Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Oklahoma, and Texas Abandoned Mine Land Reclamation Plans and Regulatory Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; technical amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is making technical amendments to 30 CFR Chapter VII, Subchapter T. We are updating or adding addresses for the locations of the publicly available copies of State Abandoned Mine Land Reclamation (AMLR) plans and regulatory programs; revising or correcting the codification of sections approving State AMLR plans and regulatory programs; and making other minor codification changes. These changes will ensure awareness of the current locations where the public may inspect State AMLR plans and regulatory programs. They will also provide consistency throughout the sections codified at Subchapter T.

EFFECTIVE DATE: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Charles E. Sandberg, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463–6460. Internet: Csandber@mcrgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Since July 1, 1998, the date of the most recent revision to Title 30 of the Code of Federal Regulations (30 CFR Part 700 to End), we became aware of changes that we needed to make to 30 CFR Chapter VII, Subchapter T.

1. We are updating State and OSM addresses at 30 CFR Parts 901, 904, 913, 914, 915, 916, 918, 925, 936, and 943 to accurately indicate where copies of the Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Oklahoma, and Texas AMLR plans and regulatory programs are available for public inspection and copying.

2. We are taking this opportunity to revise the language of sections approving the Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, and Texas AMLR plans and regulatory programs so that they are accurate and consistent.

3. We are also making other needed codification changes to the Arkansas and Missouri regulatory programs as discussed below:

a. In the June 30, 1995, **Federal Register**, OSM announced its approval, with additional requirements, of a proposed amendment to the Arkansas regulatory program (60 FR 34138). In Finding 4 and 30 CFR 904.16(b), we required Arkansas to delete the phrase ''and section 15(d)(1)'' from section 13(k) of the Arkansas Surface Coal Mining and Reclamation Act of 1979 (ASCMRC). By letter dated March 16, 1999 (Administrative Record No. AR–563), Arkansas notified OSM that it had deleted the phrase ''and section 15(d)(1)'' from section 13(k) of the ASCMRC and from the legislative counterpart, the Arkansas Code Annotated (ACA) at section 15–58–503(a)(3). Therefore, we are removing the required amendment at 30 CFR 904.16(b).

b. By letter dated April 2, 1999, Arkansas notified OSM that the ''Arkansas Department of Pollution Control and Ecology'' had its name changed to the ''Arkansas Department of Environmental Quality'' by the Arkansas General Assembly Act 1219 of 1997, effective March 31, 1999 (Administrative Record No. AR–564). We are taking this opportunity to make this name change in the State regulatory program approval section at 30 CFR 904.10(a) and in the Arkansas abandoned mine land reclamation plan approval section at 30 CFR 904.20(a).

c. In the **Federal Register** notice announcing the Department of the Interior's approval of Missouri's original program, the Secretary at 30 CFR 925.10(b) affirmatively disapproved several provisions of Missouri's program that incorporated suspended or remanded Federal regulations (November 21, 1980, 45 FR 77017). The affirmative disapprovals were based upon an order of the U.S. District Court for the District of Columbia. The order required the Secretary to ''affirmatively disapprove * * * those segments of a State program that incorporate a suspended or remanded regulation'' (*In re: Permanent Surface Mining Regulation Litigation, Civil Action 79–1144*, May 16, 1980, Mem. Op. at 49). In a State program amendment dated October 10, 1990, Missouri adequately addressed the one remaining affirmatively disapproved provision codified at 30 CFR 925.10(b)(1). This disapproved provision concerned Missouri's regulation at 10 CSR 40–8.010–75 [recodified as 10 CSR 40–8.010(1)(A)84]. The disapproved regulation pertained to a definition of ''roads'' that is used in sections 10 CSR 40–3.140(1)–(21). Missouri addressed this issue by proposing revisions to its regulations concerning performance standards for roads at 10 CSR 40–3.140(1)–(21). OSM approved the proposed revisions on September 29, 1992 (57 FR 44660). Because Missouri adequately addressed the disapproval codified at 30 CFR 925.10(b)(1), we are taking this opportunity to remove it.

II. Procedural Determinations

1. Administrative Procedure Act

The revisions contained in this rulemaking are technical in nature. So, under 5 U.S.C. 553(b)(B), we determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, we determined that under 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the **Federal Register**.

2. Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

3. Executive Order 12988

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. This rule (1) does not preempt any State, Tribal, or local laws or regulations; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

4. National Environmental Policy Act

We reviewed this rule and determined that it is categorically excluded from the National Environmental Policy Act (NEPA) process under the Departmental Manual (516 DM 2, appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

5. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

6. Regulatory Flexibility Act

The Department of the Interior determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule merely revises addresses and makes other minor changes to the information contained in the regulations.

7. Unfunded Mandates

We determined and certify under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Parts 901, 904, 913, 914, 915, 916, 918, 925, 936, and 943

Abandoned mine land reclamation program, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 15, 1999.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, OSM is amending 30 CFR Parts 901, 904, 913, 914, 915, 916, 918, 925, 936, and 943 as set forth below:

PART 901—ALABAMA

1. The authority citation for part 901 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 901.10 is revised to read as follows:

§ 901.10 State regulatory program approval.

The Secretary conditionally approved the Alabama regulatory program, as resubmitted on January 11, 1982, and clarified in a meeting with OSM on April 9, 1982, and in a letter to OSM on May 14, 1982, effective May 20, 1982. He removed the last condition of program approval effective July 18, 1996. Copies of the approved program are available at:

(a) Alabama Surface Mining Reclamation Commission, 1811 Second Avenue, 2nd Floor, P.O. Box 2390, Jasper, AL 35502.

(b) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, Barber Business Park, 135 Gemini Circle, Homewood, AL 35209.

3. Section 901.20 is revised to read as follows:

§ 901.20 Approval of Alabama abandoned mine land reclamation plan.

The Secretary approved the Alabama abandoned mine land reclamation plan, as submitted on May 29, 1981, and revised on August 13, 1981, effective May 20, 1982. Copies of the plan are available at:

(a) Alabama Department of Industrial Relations, 649 Monroe Street, Montgomery, AL 36131.

(b) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, Barber Business Park, 135 Gemini Circle, Homewood, AL 35209.

PART 904—ARKANSAS

4. The authority citation for part 904 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

5. Section 904.10 is revised to read as follows:

§ 904.10 State regulatory program approval.

The Secretary conditionally approved the Arkansas regulatory program, as submitted on February 18, 1980, amended on May 29, 1980, and July 2, 1980, and clarified on July 29, 1980, August 8, 1980, August 14, 1980, and August 29, 1980, effective November 21, 1980. He fully approved the Arkansas regulatory program, as amended on September 2, 1980, January 19, 1981, and March 12, 1981, effective January 22, 1982. Copies of the approved program are available at:

(a) Arkansas Department of Environmental Quality, 8001 National Drive, P.O. Box 8913, Little Rock, AR 72219–8913.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

6. Section 904.16 is removed and reserved.

7. Section 904.20 is revised to read as follows:

§ 904.20 Approval of Arkansas abandoned mine land reclamation plan.

The Secretary approved the Arkansas abandoned mine land reclamation plan, as submitted on July 7, 1982, effective May 2, 1983. Copies of the approved plan are available at:

(a) Arkansas Department of Environmental Quality, 8001 National Drive, P.O. Box 8913, Little Rock, AR 72219–8913.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

PART 913—ILLINOIS

8. The authority citation for part 913 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

9. Section 913.10 is revised to read as follows:

§ 913.10 State regulatory program approval.

The Secretary conditionally approved the Illinois regulatory program, as submitted on March 3, 1980, amended and clarified on June 16, 1980, resubmitted on December 22, 1981, clarified in a meeting with OSM on March 18 and 19, 1982, and clarified in material submitted April 13, 1982, effective June 1, 1982. He fully approved the Illinois regulatory program, as amended on March 28, 1986, and March 22, 1987, effective September 6, 1989. Copies of the approved program are available at:

(a) Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, 300 W. Jefferson Street, Suite 300, Springfield, IL 62701.

(b) Illinois Department of Natural Resources, Office of Mines and Minerals, Land Reclamation Division, Southern District Field Office, 503 E. Main Street, Benton, IL 62812.

(c) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204.

10. Section 913.20 is revised to read as follows:

§ 913.20 Approval of Illinois abandoned mine land reclamation plan.

The Secretary approved the Illinois abandoned mine land reclamation plan, as submitted on July 20, 1980, effective June 1, 1982. Copies of the approved plan are available at:

(a) Illinois Department of Natural Resources, Office of Mines and Minerals, Abandoned Mine Land Reclamation Division, 300 W. Jefferson Street, Suite 300, Springfield, IL 62701.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204–1521.

PART 914—INDIANA

11. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

12. Section 914.10 is revised to read as follows:

§ 914.10 State regulatory program approval.

The Secretary conditionally approved the Indiana regulatory program, as submitted on March 3, 1980, amended and clarified on June 4, 1980, resubmitted on September 28, 1981, and clarified on December 8, 1981, April 8, 1982, May 18–19, 1982 and May 26, 1982, effective July 29, 1982. He fully approved the Indiana program, as amended on April 19 and 28, 1983, effective August 19, 1983. Copies of the approved program are available at:

(a) Indiana Department of Natural Resources, Room W–295, 402 West Washington Street, Indianapolis, IN 46204.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, Room 301, 575 North Pennsylvania Street, Indianapolis, IN 46204–1521.

13. Section 914.20 is revised to read as follows:

§ 914.20 Approval of Indiana abandoned mine land reclamation plan.

The Secretary approved the Indiana abandoned mine land reclamation plan, as submitted on December 7, 1981, on July 26, 1982, effective July 29, 1982. Copies of the approved plan are available at:

(a) Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, IN 47438–9517.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, Room 301, 575 North Pennsylvania Street, Indianapolis, IN 46204–1521.

PART 915—IOWA

14. The authority citation for part 915 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

15. Section 915.10 is revised to read as follows:

§ 915.10 State regulatory program approval.

The Secretary approved the Iowa regulatory program, as submitted February 28, 1980, and amended and clarified on June 11, 1980, and December 15, 1980, effective April 10, 1981. Copies of the approved program are available at:

(a) Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Henry A. Wallace Building, E. 9th and Grand Streets, Des Moines, IA 50319.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

16. Section 915.20 is revised to read as follows:

§ 915.20 Approval of Iowa abandoned mine land reclamation plan.

The Secretary approved the Iowa abandoned mine land reclamation plan, as submitted on December 17, 1982, effective March 28, 1983. Copies of the approved plan are available at:

(a) Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation, Henry A. Wallace Building, E. 9th and Grand Streets, Des Moines, IA 50319.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

PART 916—KANSAS

17. The authority citation for part 916 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

18. Section 916.10 is revised to read as follows:

§ 916.10 State regulatory program approval.

The Secretary conditionally approved the Kansas regulatory program, as submitted on February 26, 1980, and amended on October 31, 1980, effective January 21, 1981. He fully approved the Kansas program, as amended on May 20, 1981, effective April 14, 1982. Copies of the approved program are available at:

(a) Kansas Department of Health and Environment, Surface Mining Section, 4033 Parkview Drive, Frontenac, KS 66763.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

19. Section 916.20 is revised to read as follows:

§ 916.20 Approval of Kansas abandoned mine land reclamation plan.

The Secretary conditionally approved the Kansas abandoned mine land reclamation plan, as submitted on October 1, 1981, effective February 1, 1982. He fully approved the Kansas plan, as amended by Kansas House Bill No. 2994 on April 14, 1982, and Kansas House Bill No. 2516 on May 2, 1983, and removed all conditions prohibiting the funding of State abandoned mine land construction grants, effective June 3, 1983. Copies of the approved plan are available at:

(a) Kansas Department of Health and Environment, Surface Mining Section, 4033 Parkview Drive, Frontenac, KS 66763.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

PART 918—LOUISIANA

20. The authority citation for part 918 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

21. Section 918.10 is revised to read as follows:

§ 918.10 State regulatory program approval.

The Secretary approved the Louisiana regulatory program, as submitted on January 3, 1980, and resubmitted on September 4, 1980, effective October 10, 1980. Copies of the approved program are available at:

(a) Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P.O. Box 94275, Baton Rouge, LA 70804–9275.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

22. Section 918.20 is revised to read as follows:

§ 918.20 Approval of Louisiana abandoned mine land reclamation plan.

The Secretary approved the Louisiana abandoned mine land reclamation plan, as submitted on February 3, 1986, effective December 10, 1986. Copies of the approved plan are available at:

(a) Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P.O. Box 94275, Baton Rouge, LA 70804–9275.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

PART 925—MISSOURI

23. The authority citation for part 925 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

24. Section 925.10 is revised to read as follows:

§ 925.10 State regulatory program approval.

The Secretary approved the Missouri regulatory program, as submitted on February 1, 1980, and amended and clarified on May 14, 1980, effective November 21, 1980. He fully approved the Missouri program, as amended on September 7, 1982, and October 13, 1982, effective January 17, 1983. Copies of the approved program are available at:

(a) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

25. Section 925.20 is revised to read as follows:

§ 925.20 Approval of the Missouri abandoned mine land reclamation plan.

The Secretary approved the Missouri abandoned mine land reclamation plan, as submitted on September 11, 1981, effective January 29, 1982. Copies of the approved plan are available at:

(a) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, Jefferson City, MO 65102.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

26. Section 925.25 is amended by removing paragraph (a) and redesignating paragraph (b) as the introductory paragraph.

PART 936—OKLAHOMA

27. The authority citation for part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

28. Section 936.10 is revised to read as follows:

§ 936.10 State regulatory program approval.

The Secretary conditionally approved the Oklahoma regulatory program, as submitted on February 28, 1980, amended on June 11, 1980, and resubmitted on December 8, 1980, effective January 19, 1981. He fully approved the Oklahoma program, as amended on August 15, 1985, effective January 14, 1986. Copies of the approved program are available at:

(a) Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK 73105.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa

Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

29. Section 936.20 is revised to read as follows:

§ 936.20 Approval of Oklahoma abandoned mine land reclamation plan.

The Secretary approved the Oklahoma abandoned mine land reclamation plan, as submitted on July 30, 1981, effective January 21, 1982. Copies of the approved plan are available at:

(a) Oklahoma Conservation Commission, 2800 N. Lincoln Blvd., Suite 160, Oklahoma City, OK 73105.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

PART 943—TEXAS

30. The authority citation for part 943 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

31. Section 943.10 is revised to read as follows:

§ 943.10 State regulatory program approval.

The Secretary approved the Texas regulatory program, as submitted on July 20, 1979, and amended on November 13, 1979, and December 20, 1979, effective February 16, 1980. Copies of the approved program are available at:

(a) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

32. Section 943.20 is revised to read as follows:

§ 943.20 Approval of Texas abandoned mine land reclamation plan.

The Secretary approved the Texas abandoned mine land reclamation plan, as submitted on April 24, 1980, and amended on May 30, 1980, June 2, 1980, and June 4, 1980, effective June 23, 1980. Copies of the approved plan are available at:

(a) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

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DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions Regulations: Implementation of Executive Order 13059

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: The Office of Foreign Assets Control of the U.S. Department of the Treasury is amending the Iranian Transactions Regulations to implement Executive Order 13059, which clarifies the steps taken in Executive Orders 12957 and 12959 with respect to the declaration of national emergency and imposition of new and additional sanctions against Iran.

EFFECTIVE DATE: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Regarding the issuance of licenses, Steven I. Pinter, Chief, Licensing Division (tel.: 202/622–2480); regarding banking and compliance questions, Dennis P. Wood, Chief, Compliance Programs Division (tel.: 202/622–2490); regarding Iranian government entities, J. Robert McBrien, Chief, International Programs Division (tel.: 202/622–2420); regarding legal questions, William B. Hoffman, Chief Counsel (tel.: 202/622–2410), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

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Background

In Executive Order 12957 of March 15, 1995 (60 FR 14615, March 17, 1995), President Clinton declared a national emergency with respect to the actions and policies of the Government of Iran and imposed sanctions against Iran supplementing those imposed in 1987, invoking the authority, inter alia, of the International Emergency Economic Powers Act, 50 U.S.C. 1701–06 (''IEEPA''). The President substantially supplemented and amended those sanctions in Executive Order 12959 of May 6, 1995 (60 FR 24757, May 9, 1995). In implementation of these orders, the Office of Foreign Assets Control (''OFAC'') amended the Iranian Transactions Regulations in September 1995 (the ''Regulations'') (60 FR 47061, September 11, 1995).

In Executive Order 13059 of August 19, 1997 (62 FR 44531, August 21, 1997), the President clarified the steps taken with respect to the national emergency declared in Executive Order 12957 and expanded in Executive Order 12959. In implementation of these orders, OFAC is amending the Regulations.

Section 560.201 continues the prohibition on the importation into the United States of goods or services of Iranian origin but indicates that this includes goods or services owned or controlled by the Government of Iran. Section 560.201 also conforms the exemption for information and informational materials for import purposes to that applicable under IEEPA for all other purposes.

Section 560.204 is revised to provide that any exportation, reexportation, sale or supply of goods to Iran or the Government of Iran from the United States, or by a U.S. person wherever located, is prohibited. This includes any exportation, reexportation, sale or supply of goods, services or technology from the United States or by a U.S. person in a third country undertaken with knowledge or reason to know that such goods, services or technology are intended specifically for supply, transshipment or reexportation, directly or indirectly, to Iran or the Government of Iran. Similarly, § 560.204 prohibits any exportation, reexportation, sale or supply of goods, services or technology

intended specifically for use in the production of, for commingling with, or for incorporation into goods, technology or services to be supplied, transshipped or reexported exclusively or predominantly to Iran or the Government of Iran.

Section 560.205 is amended to clarify that a person other than a U.S. person is prohibited from knowingly reexporting U.S.–origin goods, technology and services to Iran or the Government of Iran if those goods, services or technology are subject to written license application requirements by any U.S. Government agency imposed independently of part 560, unless such U.S.–origin items have been substantially transformed into a foreign–made product or the U.S.–origin content meets the de minimis standard in that section. U.S. persons remain subject to the prohibitions in § 560.204, regardless of the origin or type of item or the country from which it is shipped.

Section 560.206 amends the rules relating to dealings in goods or services of Iranian origin or owned or controlled by the Government in Iran and concerning dealings in goods, technology or services for exportation, reexportation, sale or supply to Iran or the Government of Iran. Section 560.208 is amended to provide that the approval, facilitation, financing or guarantee by a U.S. person of any Iran–related transaction by a foreign person is not permitted if the transaction by the foreign person would be prohibited by this part if performed by a U.S. person or within the United States. In addition, §§ 560.210(c) and (d) are amended to clarify rules relating to informational materials and travel.

The effective dates of the prohibitions in this part are set out in § 560.301. Section 560.306 is revised to clarify the definitions of the terms *goods of Iranian origin* and *goods or services owned or controlled by the Government of Iran*. The definition of *United States depositary institution* in § 560.319 is revised to remove reference to certain activities of banks that might draw into the definition non–banking businesses that are not subject to federal or state regulation as banks. Certain other revisions to existing definitions are made to subpart C.

In subpart D, certain existing interpretive provisions are revised and new interpretive sections are added. Section 560.403 is added to make clear that the prohibitions in §§ 560.204, 560.206 and 560.208 apply to export, reexport or supply transactions which require a transshipment or transit of goods or technology through Iran to third countries. Section 560.406 is revised to indicate that the prohibition on importation in § 560.201 includes, among other things, importation into the United States, for transshipment or transit, of goods owned or controlled by the Government of Iran destined for third countries, and the prohibition on exportation in § 560.204 includes, among other things, the exportation from the United States, for transshipment or transit, of goods intended or destined for the Government of Iran, including entities owned or controlled by the Government of Iran. Section 560.410 is revised to clarify the term *exportation or supply of services*. Section 560.412 on extensions of credit to Iran is amended to add a reference to standby letters of credit. Section 560.414, which relates to reexportation of U.S.–origin goods or technology, is amended to provide interpretation with respect to § 560.205.

Section 560.416 is added to provide examples of prohibited brokering services. Section 560.417 on facilitation of transactions is added to replace § 560.516(d), which is removed. Section 560.418 is added to deal with the release of technology to Iran or the Government of Iran that may violate this part, and transfers of technology to foreign nationals, including Iranian nationals, that may implicate rules administered by the U.S. Department of State, the U.S. Department of Commerce, or other agencies of the U.S. Government. Section 560.419 is added to deal with issues related to the U.S. employment of persons normally located in Iran. Section 560.420 is added to interpret the de minimis content rules contained in § 560.205, which apply to reexportations by foreign persons.

In subpart E, § 560.501(d) is added to explain that specific licenses issued pursuant to Executive Orders 12613, 12957 or 12959 continue in effect in accordance with their terms except to the extent revoked, amended, or modified by the Office of Foreign Assets Control. Section 560.501(e) provides that certain exports, reexports or transfers of goods, technology, or services, or the direct products of technology, which are not prohibited by this part and which do not require authorization by OFAC, may nonetheless require authorization by the U.S. Department of Commerce, the U.S. Department of State or other agencies of the U.S. Government. Section 560.505 is amended to deal with activities taken in connection with certain visa categories.

Section 560.509 is amended to clarify that the general license relating to protection of patents, trademarks and copyrights extends to the importation of Iranian–origin services, payment for such services, and payment to persons in Iran in connection with such intellectual property protection.

Section 560.511 is added to create an ''insubstantial content'' exception to the prohibitions in § 560.204. As noted, § 560.204 prohibits the knowing exportation, reexportation, sale or supply of goods, services or technology from the United States, or by U.S. persons wherever located, to third countries for incorporation or substantial transformation into items destined for Iran or the Government of Iran. Section 560.511 creates an exception to this rule, authorizing such ''knowing'' supply by U.S. persons or from the United States under certain circumstances: Such ''knowing'' supply is authorized under § 560.511 when (1) the items being exported, reexported or supplied for substantial transformation or incorporation abroad do not require authorization for exportation or reexportation by another agency of the U.S. Government; (2) the U.S.–origin items do not exceed the content levels specified in § 560.511(a)(2); (3) the foreign–made end product is not destined to end uses or end users prohibited under regulations administered by other U.S. Government agencies (§ 560.511(d)); and (4) the foreign–made end product is not intended for use in the Iranian petroleum or petrochemical industry (§ 560.511(e)). The authorization in § 560.511(a) is not available if the foreign–made end product is of a type which other U.S. Government agencies make ineligible for de minimis U.S.–origin content. More generally, export control rules administered by other agencies of the U.S. Government may prohibit an exportation or supply otherwise authorized by § 560.511.

A general license is added in § 560.529 to authorize the provision of goods or services in the United States to a non–Iranian carrier transporting passengers or goods to or from Iran if they are bunkers or bunkering services, are supplied in the course of emergency repairs, or are supplied under circumstances which could not be anticipated prior to the carrier's departure for the United States.

Technical changes or new text also appear at the following sections, among others: §§ 560.207, 560.308, 560.315, 560.412, 560.506, 560.515, 560.516, and 560.523. The prior § 560.411 concerning offshore transactions in Iranian–origin goods and services has been removed and reserved because its content, as modified to accord with Executive Order 13059, is covered in § 560.206.

Section 560.318 is removed and reserved.

An appendix is added to provide the names of financial institutions deemed by OFAC to be entities owned or controlled by the Government of Iran. This list, with minor modifications, duplicates the list promulgated as an annex to General License No. 3 on June 6, 1995 (see 60 FR 40883, August 10, 1995).

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

List of Subjects in 31 CFR Part 560

Administrative practice and procedure, Agricultural commodities, Banks, banking, Exports, Foreign trade, Imports, Information, Investments, Iran, Loans, Penalties, Reporting and recordkeeping requirements, Services, Specially designated nationals, Terrorism, Transportation.

For the reasons set forth in the preamble, 31 CFR part 560 is amended as follows:

PART 560—IRANIAN TRANSACTIONS REGULATIONS

1. The authority citation continues to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2332d; 22 U.S.C. 2349aa–9; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217.

Subpart B—Prohibitions

2. Section 560.201 is revised to read as follows:

§ 560.201 Prohibited importation of goods or services from Iran.

Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran, other than information and informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)), is prohibited.

3. Section 560.204 is revised to read as follows:

§ 560.204 Prohibited exportation, reexportation, sale or supply of goods, technology, or services to Iran.

Except as otherwise authorized pursuant to this part, including § 560.511, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, technology, or services to Iran or the Government of Iran is prohibited, including the exportation, reexportation, sale, or supply of any goods, technology, or services to a person in a third country undertaken with knowledge or reason to know that:

(a) Such goods, technology, or services are intended specifically for supply, transshipment, or reexportation, directly or indirectly, to Iran or the Government of Iran; or

(b) Such goods, technology, or services are intended specifically for use in the production of, for commingling with, or for incorporation into goods, technology, or services to be directly or indirectly supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran.

4. Section 560.205 is revised to read as follows:

§ 560.205 Prohibited reexportation of goods, technology or services to Iran or the Government of Iran by persons other than United States persons; exceptions.

(a) Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, the reexportation from a third country, directly or indirectly, by a person other than a United States person, of any goods, technology or services that have been exported from the United States is prohibited, if:

(1) Undertaken with knowledge or reason to know that the reexportation is intended specifically for Iran or the Government of Iran; and

(2) The exportation of such goods, technology, or services from the United States to Iran was subject to export license application requirements under any United States regulations in effect on May 6, 1995, or thereafter is made subject to such requirements imposed independently of this part (see § 560.414).

(b) The prohibitions of paragraph (a) of this section shall not apply to those goods or that technology subject to export license application requirements if such goods or technology have been:

(1) Substantially transformed into a foreign–made product outside the United States; or

(2) Incorporated into a foreign–made product outside the United States if the aggregate value of such goods and technology described in paragraph (a)(2) of this section constitutes less than 10 percent of the total value of the foreign–made product to be exported from a third country (see § 560.420).

(c) Reexportation by United States persons or from the United States is governed by other sections in this part, including §§ 560.204 and 560.206.

Note to § 560.205. The reexportation of U.S.–origin goods or technology, including U.S.–origin goods or technology that have been incorporated or substantially transformed into a foreign–made product, not prohibited by this section, may require authorization by the U.S. Department of Commerce under the Export Administration Regulations (15 CFR parts 740–774) or by the U.S. State Department under the International Traffic in Arms Regulations (22 CFR 123.9).

5. Section 560.206 is revised to read as follows:

§ 560.206 Prohibited trade–related transactions with Iran; goods, technology, or services.

(a) Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, no United States person, wherever located, may engage in any transaction or dealing in or related to:

(1) Goods or services of Iranian origin or owned or controlled by the Government of Iran; or

(2) Goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran.

(b) For purposes of paragraph (a) of this section, the term *transaction or dealing* includes but is not limited to purchasing, selling, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing.

6. Section 560.207 is revised to read as follows:

§ 560.207 Prohibited investment.

Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, any new

investment by a United States person in Iran or in property (including entities) owned or controlled by the Government of Iran is prohibited.

7. Section 560.208 is revised to read as follows:

§ 560.208 Prohibited facilitation by United States persons of transactions by foreign persons.

Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, no United States person, wherever located, may approve, finance, facilitate, or guarantee any transaction by a foreign person where the transaction by that foreign person would be prohibited by this part if performed by a United States person or within the United States.

8. Paragraphs (c) and (d) of § 560.210 are revised to read as follows:

§ 560.210 Exempt transactions.

* * * * *

(c) *Information and informational materials.* (1) The importation from any country and the exportation to any country of information and informational materials as defined in § 560.315, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of this part.

(2) This section does not exempt from regulation or authorize transactions related to information and informational materials not fully created and in existence at the date of the transactions, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services. Transactions that are prohibited notwithstanding this section include, but are not limited to, payment of advances for information and informational materials not yet created and completed (with the exception of prepaid subscriptions for widely circulated magazines and other periodical publications), provision of services to market, produce or co–produce, create or assist in the creation of information and informational materials, and payment of royalties to persons in Iran or to the Government of Iran.

(3) This section does not exempt from regulation or authorize transactions incident to the exportation of software subject to the Export Administration Regulations (15 CFR parts 730–774).

(4) This section does not exempt from regulation or authorize the exportation of goods (including software) or technology or the sale or leasing of telecommunications transmission facilities (such as satellite links or dedicated lines) where such exportation, sale or leasing is for use in the transmission of any data.

(d) *Travel.* The prohibitions contained in this part do not apply to transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages. This exemption extends to transactions with Iranian carriers and those involving group tours and payments in Iran made for transactions directly incident to travel.

* * * * *

Subpart C—Definitions

9. Section 560.301 is revised to read as follows:

§ 560.301 Effective date.

The effective date of the prohibitions and directives contained in subpart B of this part is 12:01 a.m., Eastern Daylight Time, August 20, 1997. For the effective date of pre–existing regulations and directives, see the Executive orders in the Authority citation for this part and implementing regulations.

10. Section 560.306 is revised to read as follows:

§ 560.306 Iranian–origin goods or services; Goods or services owned or controlled by the Government of Iran.

(a) The terms *goods of Iranian origin* and *Iranian–origin goods* include:

(1) Goods grown, produced, manufactured, extracted, or processed in Iran; and

(2) Goods which have entered into Iranian commerce.

(b) The terms *services of Iranian origin* and *Iranian–origin services* include:

(1) Services performed in Iran or by an entity organized under the laws of Iran, or a person residing in Iran; and

(2) Services performed outside Iran by a citizen, national or permanent resident of Iran who is ordinarily resident in Iran, or by an entity organized under the laws of Iran.

(c) The term *goods or services owned or controlled by the Government of Iran* includes:

(1) Goods grown, produced, manufactured, extracted or processed by the Government of Iran or goods in its possession or control; and

(2) Services performed by the Government of Iran.

(d) The terms *services of Iranian–origin, Iranian–origin services,* and *services owned or controlled by the Government of Iran* do not include:

(1) Diplomatic and consular services performed by or on behalf of the Government of Iran;

(2) Diplomatic and consular services performed by or on behalf of the Government of the United States; or

(3) Services performed outside Iran by an Iranian citizen or national who is resident in the United States or a third country, provided such services are not performed by or on behalf of the Government of Iran (other than diplomatic and consular services), an entity organized under the laws of Iran, or a person located in Iran.

11. Section 560.308 is revised to read as follows:

§ 560.308 Importation of goods.

With respect to goods (including software), the term *importation* means the bringing of any goods into the United States, except that in the case of goods transported by vessel, *importation* means the bringing of any goods into the United States with the intent to unlade them.

12. Section 560.315 is amended to revise the section heading and paragraphs (a) introductory text, (b) introductory text, and (b)(1) to read as follows:

§ 560.315 Information and informational materials.

(a) The term *information and informational materials* includes:

* * * * *

(b) The term *information and informational materials,* with respect to exports, does not include items:

(1) That were, as of April 30, 1994, or that thereafter become, controlled for export pursuant to section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2401-2420, the ''EAA''), or section 6 of the EAA to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

* * * * *

§ 560.318 [Removed and reserved]

13. Section 560.318 is removed and reserved.

14. Section 559.319 is revised to read as follows:

§ 560.319 United States depository institution.

The term *United States depository institution* means any entity (including

its foreign branches) organized under the laws of any jurisdiction within the United States, or any agency, office or branch located in the United States of a foreign entity, that is engaged primarily in the business of banking (for example, banks, savings banks, savings associations, credit unions, trust companies and United States bank holding companies).

Subpart D—Interpretations

15. Section 560.403 is added to subpart D to read as follows:

§ 560.403 Transshipment through Iran.

The prohibitions in §§ 560.204, 560.206 and 560.208 apply to export, reexport or supply transactions which require a transshipment or transit of goods or technology through Iran to third countries.

16. Section 560.406 is revised to read as follows:

§ 560.406 Transshipment or transit through United States prohibited.

(a) The prohibitions in § 560.201 apply to the importation into the United States, for transshipment or transit, of Iranian–origin goods or goods owned or controlled by the Government of Iran which are intended or destined for third countries.

(b) The prohibitions in § 560.204 apply to the transshipment or transit of foreign goods through the United States which are intended or destined for Iran or the Government of Iran, including entities owned or controlled by the Government of Iran.

17. Section 560.410 is revised to read as follows:

§ 560.410 Exportation, reexportation, sale or supply of services.

(a) The prohibition on the exportation, reexportation, sale or supply of services contained in § 560.204 applies to services performed on behalf of a person in Iran or the Government of Iran or where the benefit of such services is otherwise received in Iran, if such services are performed:

(1) In the United States, or

(2) Outside the United States by a United States person, including by an overseas branch of an entity located in the United States.

(b) The benefit of services performed anywhere in the world on behalf of the Government of Iran is presumed to be received in Iran.

(c) *Example.* A United States person is engaged in a prohibited exportation of services to Iran when it extends credit to a third–country firm specifically to enable that firm to manufacture goods for sale to Iran or for an entity of the Government of Iran. See also § 560.416.

§ 560.411 [Removed and reserved]

18. Section 560.411 is removed and reserved.

19. Section 560.412 is revised to read as follows:

§ 560.412 Extensions of credit or loans to Iran.

(a) The prohibitions contained in §§ 560.204 and 560.207 apply to but are not limited to the unauthorized renewal or rescheduling of credits or loans in existence as of May 6, 1995, such as the extension of a standby letter of credit.

(b) The prohibitions contained in § 560.209 apply, among other things, to the unauthorized renewal or rescheduling of credits or loans in existence as of March 15, 1995.

(c) The prohibitions contained in §§ 560.204, 560.207 and 560.209 apply to, among other things, credits or loans in any currency.

20. Section 560.414 is revised to read as follows:

§ 560.414 Reexportation of certain U.S.–origin goods exported prior to May 7, 1995.

The prohibitions on reexportation in § 560.205 do not apply to United States–origin goods or technology that were exported from the United States prior to 12:01 a.m., Eastern Daylight Time, May 7, 1995, if:

(a) Such goods or technology were not the property of a United States person as of 12:01 a.m. Eastern Daylight Time, May 7, 1995; and

(b) The reexportation of the U.S.–origin goods or technology to Iran or the Government of Iran was not subject to reexport (as opposed to export) license application requirements under U.S. regulations in effect prior to May 6, 1995.

Notes to § 560.414.

1. The exclusion in this section applies, among other things, to goods that were as of May 6, 1995, classified under the U.S. Department of Commerce's Export Administration Regulations (15 CFR parts 730–774) as ECCNs 2A994; 3A993; 5A992; 5A995; 6A990; 6A994; 7A994; 8A992; 8A994; 9A990; 9A992; and 9A994, that were exported from the United States prior to 12:01 a.m. Eastern Daylight Time, May 7, 1995, and were not the property of a United States person as of 12:01 a.m. Eastern Daylight Time, May 7, 1995. As of April 26, 1999, items covered by this note are classified under ECCNs 2A994; 3A992.a; 5A991.f; 5A992; 6A991; 6A998; 7A994; 8A992.d, .e, .f and .g; 9A990.a and .b; and 9A991.d and .e.

2. A reexportation of U.S.–origin goods or technology which meets the conditions of paragraph (a) of this section, or which is not within the scope of § 560.205, nevertheless may require specific authorization by other agencies of the U.S. Government for reexportation to Iran or the Government of Iran. For example, items which meet the conditions of paragraph (a) may nevertheless require an export license under the Enhanced Proliferation Control Initiative provisions of the Export Administration Regulations (15 CFR part 744).

21. Section 560.416 is added to subpart D to read as follows:

§ 560.416. Brokering services.

(a) For purposes of the prohibitions in §§ 560.201, 560.204, 560.205, 560.206 and 560.208, the term *services* includes performing a brokering function.

(b) *Examples.* A person within the United States, or a United States person, wherever located, may not:

(1) Act as broker for the provision of goods, services or technology, from whatever source, to or from Iran or the Government of Iran;

(2) Act as broker for the purchase or swap of crude oil of Iranian origin or owned or controlled by the Government of Iran;

(3) Act as broker for the provision of financing, a financial guarantee or an extension of credit by any person to Iran or the Government of Iran;

(4) Act as a broker for the provision of financing, a financial guarantee or an extension of credit to any person specifically to enable that person to construct or operate a facility in Iran or owned or controlled by the Government of Iran; or

(5) Act as a broker for the provision of financing, a financial guarantee, or an extension of credit to any person specifically to enable that person to provide goods, services, or technology intended for Iran or the Government of Iran.

22. Section 560.417 is added to subpart D to read as follows:

§ 560.417 Facilitation; change of policies and procedures; referral of business opportunities offshore.

With respect to § 560.208, a prohibited facilitation or approval of a transaction by a foreign person occurs, among other instances, when a United States person:

(a) Alters its operating policies or procedures, or those of a foreign affiliate, to permit a foreign affiliate to accept or perform a specific contract, engagement or transaction involving Iran or the Government of Iran without the approval of the United States person, where such transaction previously required approval by the United States person and such transaction by the foreign affiliate would be prohibited by this part if

performed directly by a United States person or from the United States;

(b) Refers to a foreign person purchase orders, requests for bids, or similar business opportunities involving Iran or the Government of Iran to which the United States person could not directly respond as a result of the prohibitions contained in this part; or

(c) Changes the operating policies and procedures of a particular affiliate with the specific purpose of facilitating transactions that would be prohibited by this part if performed by a United States person or from the United States.

23. Section 560.418 is added to subpart D to read as follows:

§ 560.418 Release of technology or software in the United States or a third country.

The release of technology or software in the United States, or by a United States person wherever located, to any person violates the prohibitions of this part if made with knowledge or reason to know the technology is intended for Iran or the Government of Iran, unless that technology or software meets the definition of *information and informational materials* in § 560.315. See § 560.511.

Notes to § 560.418.

1. The U.S. Department of Commerce's Bureau of Export Administration requires a license for the release in the United States (or in a third country) to a foreign national of technology if both of the following conditions are met:

(a) That technology would require a license for exportation (or reexportation) to the home country of the foreign national; and

(b) The foreign national is not a citizen or permanent resident of the United States (or of the third country) or is not a protected individual under the Immigration and Naturalization Act (8 U.S.C. § 1324(b)(a)(3)). See 15 CFR 734.2(b)(2)(ii) and 734.2(b)(5).

2. The transfer to a foreign national of technology subject to regulations administered by the U.S. Department of State or other agencies of the U.S. Government may require authorization by those agencies.

24. Section 560.419 is added to subpart D to read as follows:

§ 560.419 U.S. employment of persons normally located in Iran.

The prohibitions in § 560.201 make it unlawful to hire an Iranian national normally located in Iran to come to the United States solely or for the principal purpose of engaging in employment on behalf of an entity in Iran or as the employee of a U.S. person, unless that employment is authorized pursuant to a visa issued by the U.S. State Department or by § 560.505. See also § 560.418 with respect to the release of technology and software.

25. Section 560.420 is added to subpart D to read as follows:

§ 560.420 Reexportation by non–U.S. persons of certain foreign–made products containing U.S.–origin goods or technology.

For purposes of satisfying the de minimis content rule in § 560.205(b)(2):

(a) U.S.–origin goods (excluding software) falling within the definition in § 560.205 must comprise less than 10 percent of the foreign–made good (excluding software);

(b) U.S.–origin software falling within the definition in § 560.205 must comprise less than 10 percent of the foreign–made software;

(c) U.S.–origin technology falling within the definition in § 560.205 must comprise less than 10 percent of the foreign–made technology; and,

(d) In cases involving a complex product made of a combination of U.S.–origin goods (including software) and technology falling within the definition in § 560.205, the aggregate value of all such U.S.–origin goods (including software) and such technology contained in the foreign–made product must be less than 10 percent of the total value of the foreign–made product.

Notes to § 560.420.

1. Notwithstanding the exceptions contained in § 560.205(b)(1) and (b)(2) and this section, a reexportation to Iran or the Government of Iran of U.S.–origin items falling within the definition in § 560.205 is prohibited if those U.S.–origin goods (including software) or that technology have been substantially transformed or incorporated into a foreign–made end product which is destined to end uses or end users prohibited under regulations administered by other U.S. Government agencies. See, e.g., the Export Administration Regulations (31 CFR 736.2(b)(5), 744.2, 744.3, 744.4, 744.7, and 744.10); International Traffic in Arms Regulations (22 CFR 123.9).

2. A reexportation not prohibited by § 560.205 may nevertheless require authorization by the U.S. Department of Commerce, the U.S. Department of State or other agencies of the U.S. Government.

3. The provisions of § 560.205 and this section apply only to persons other than United States persons.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

26. Section 560.501 is amended by adding paragraphs (d) and (e) to read as follows:

§ 560.501 Effect of license or authorization.

* * * * *

(d) Specific licenses issued prior to 12:01 a.m., Eastern Daylight Time, August 20, 1997, continue in effect in accordance with their terms except to the extent specifically revoked, amended, or modified by the Office of Foreign Assets Control.

(e) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data which are not prohibited by this part or which do not require a license by the Office of Foreign Assets Control, nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State or other agencies of the U.S. Government. See also § 560.701(d).

27. Section 560.505 is revised to read as follows:

§ 560.505 Importation of certain Iranian–origin services authorized; activities related to certain visa categories authorized.

(a) The importation of Iranian–origin services into the United States or other dealing in such services is authorized where such services are performed in the United States by an Iranian citizen or national for the purpose of, or which directly relate to, participating in a public conference, performance, exhibition or similar event, and such services are consistent with that purpose.

(b) Persons otherwise qualified for a non–immigrant visa under categories A–3 and G–5 (attendants, servants and personal employees of aliens in the United States on diplomatic status), D (crewmen), F (students), I (information media representatives), J (exchange visitors), M (non–academic students), O and P (aliens with extraordinary ability, athletes, artists and entertainers), Q (international cultural exchange visitors), R (religious workers), or S (witnesses) are authorized to carry out in the United States those activities for which such a visa has been granted by the U.S. State Department.

(c) Persons otherwise qualified for a visa under categories E–2 (treaty investor), H–1b (temporary worker), or L (intra–company transferee) and all immigrant visa categories are authorized to carry out in the United States those activities for which such a visa has been granted by the U.S. State Department, provided that the persons are not coming to the United States to work as an agent, employee or contractor of the Government of Iran or a business entity or other organization in Iran.

28. Section 560.506 is revised to read as follows:

§ 560.506 Importation and exportation of certain gifts authorized.

The importation into the United States of Iranian–origin goods from Iran or a third country, and the exportation from the United States to Iran of goods, are authorized for goods sent as gifts to persons provided that the value of the gift is not more than $100; the goods are of a type and in quantities normally given as gifts between individuals; and the goods are not controlled for chemical and biological weapons (CB), missile technology (MT), national security (NS), or nuclear proliferation (NP). See Commerce Control List, Export Administration Regulations (15 CFR part 774).

29. Section 560.509 is amended by revising paragraph (a)(1) as follows:

§ 560.509 Certain transactions related to patents, trademarks and copyrights authorized.

(a) * * *

(1) The filing and prosecution of any application to obtain a patent, trademark, copyright or other form of intellectual property protection, including importation of or dealing in Iranian–origin services, payment for such services, and payment to persons in Iran directly connected to such intellectual property protection;

* * * * *

30. Section 560.511 is added to read as follows:

§ 560.511 Exportation or supply of insubstantial United States content for use in foreign–made products or technology.

(a) Except as provided in paragraph (b) of this section and notwithstanding the prohibitions in § 560.204, the exportation or supply of goods or technology from the United States, or by a United States person wherever located, for substantial transformation or incorporation into a foreign–made end product in a country other than the United States or Iran, intended specifically or predominantly for Iran or the Government of Iran, is permitted under this part where the exporter has ascertained that all of the following are the case:

(1) The U.S.–origin goods or technology being exported for substantial transformation or incorporation abroad were not subject to export license application requirements under any United States regulations in effect on May 6, 1995, or were not thereafter made subject to such regulations imposed independently of this part;

(2) With respect to the foreign–made end product:

(i) U.S.–origin goods (excluding software) comprise less than 10 percent of the foreign–made good (excluding software);

(ii) U.S.–origin software comprises less than 10 percent of the foreign–made software;

(iii) U.S.–origin technology comprises less than 10 percent of the foreign–made technology; and

(iv) In cases involving a complex product made of a combination of goods (including software) and technology, the aggregate value of all U.S.–origin goods (including software) and technology contained in the foreign–made end product is less than 10 percent of the total value of the foreign–made product;

(3) The foreign–made end product is not destined to end uses or end users prohibited under regulations administered by other U.S. Government agencies. See, e.g., the Export Administration Regulations (31 CFR 736.2(b)(5), 744.2, 744.3, 744.4, 744.7, and 744.10); International Traffic in Arms Regulations (22 CFR 123.9);

(4) The foreign–made end product is not intended for use in the Iranian petroleum or petrochemical industry. For this purpose, products intended for use in the Iranian petroleum or petrochemical industry include not only products uniquely suited for use in those industries, such as oilfield services equipment, but also goods and technology for use in products, such as computers, office equipment, construction equipment, or building materials, which are suitable for use in other industries but which are intended specifically for use in the petroleum or petrochemical industries.

(b) The authorization contained in this section is not available if the foreign–made end product is of a type which other U.S. Government agencies make ineligible for de minimis U.S.–origin content. See, e.g., the Export Administration Regulations (15 CFR 734.4(a) and (b)); International Traffic in Arms Regulations (22 CFR 123.9).

Note to § 560.511. An exportation authorized by this section may nevertheless require authorization by the U.S. Department of Commerce, the U.S. Department of State or other agencies of the U.S. Government.

31. Paragraph (d) of § 560.515 removed, and paragraph (a) is revised to read as follows:

§ 560.515 30–day delayed effective date for pre–May 7, 1995 trade contracts involving Iran.

(a) All transactions necessary to complete performance of a trade contract entered into prior to May 7, 1995, and involving Iran (a *pre–existing trade contract*), including the exportation of goods, services (including financial services), or technology from the United States that was authorized pursuant to Federal regulations in force immediately prior to May 6, 1995, or performance under a pre–existing trade contract for transactions in Iranian–origin or Government of Iran–owned or controlled goods or services that do not involve importation into the United States, are authorized without specific licensing by the Office of Foreign Assets Control if the conditions in paragraph (a)(1) or (a)(2) of this section are met:

(1) If the pre–existing trade contract is for an exportation of goods or technology from the United States that was authorized pursuant to Federal regulations in force immediately prior to May 6, 1995, the goods or technology must be exported from the United States prior to 12:01 a.m. Eastern Daylight Time, June 6, 1995, and all other activity by U.S. persons that is necessary and incidental to the performance of the pre–existing trade contract (other than payment under a financing contract) must be completed prior to 12:01 a.m. Eastern Daylight Time, August 6, 1995; or

(2) All obligations under a pre–existing trade contract (other than payment under a financing contract) must be fully completed prior to 12:01 a.m. Eastern Daylight Time, June 6, 1995, if the pre–existing trade contract is for one of the following:

(i) The exportation of services from the United States benefitting a person in Iran or the Government of Iran;

(ii) The reexportation of goods or technology to Iran, the Government of Iran, or an entity owned or controlled by the Government of Iran that was authorized pursuant to Federal regulations in force immediately prior to May 6, 1995; or

(iii) Transactions relating to goods or services of Iranian origin or owned or controlled by the Government of Iran other than transactions relating to importation into the United States of such goods or services.

* * * * *

32. Section 560.516 is amended by revising paragraphs (a)(3), (a)(4), and (b) to read as follows:

§ 560.516 Payment and United States dollar clearing transactions involving Iran.

(a) * * *

(3) The transfer arises from an underlying transaction that is not prohibited by this part, such as a non–commercial remittance to or from Iran (e.g., a family remittance not related to a family–owned enterprise); a U.S.–

related commercial transfer not prohibited by this part (see, e.g., § 560.515(b)); or a third–country transaction not prohibited by this part; or

(4) The transfer arises from an underlying transaction that is exempted from regulation pursuant to § 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), such as an exportation to Iran or importation from Iran of information and informational materials, a travel–related remittance, or payment for the shipment of a donation of articles to relieve human suffering.

(b) Before a United States depository institution initiates a payment on behalf of any customer, or credits a transfer to the account on its books of the ultimate beneficiary, the United States depository institution must determine that the underlying transaction is not prohibited by this part.

* * * * *

33. Section 560.523 is revised to read as follows:

§ 560.523 Exportation of equipment and services relating to information and informational materials.

Specific licenses may be issued on a case–by–case basis for the exportation of equipment and services necessary for the establishment of news wire feeds or other transmissions of information and informational materials.

34. Section 560.529 is added to subpart E to read as follows:

§ 560.529 Bunkering and emergency repairs.

Goods or services provided in the United States to a non–Iranian carrier transporting passengers or goods to or from Iran are permissible if they are:

(a) Bunkers or bunkering services;

(b) Supplied or performed in the course of emergency repairs; or

(c) Supplied or performed under circumstances which could not be anticipated prior to the carrier's departure for the United States.

35. An appendix to this part is added at the end thereof to read as follows:

Appendix to Part 560—Financial Institutions Determined to be Owned or Controlled by the Government of Iran

This appendix lists financial institutions determined by the Office of Foreign Assets Control to be entities owned or controlled by the Government of Iran within the meaning of § 560.313. The names and addresses represent the most complete list available at this time. Unless otherwise indicated, the financial institutions listed below are considered to be entities *owned or controlled by the Government of Iran* when they operate, not only from the locations listed below, but also from any other location. The names and addresses are subject to change, and the Office of Foreign Assets Control will update the list as needed.

1. AGRICULTURAL COOPERATIVE BANK OF IRAN (a.k.a. BANK TAAVON KESHAVARZI IRAN), No. 129 Patrice Lumumba Street, Jalal–Al–Ahmad Expressway, P.O. Box 14155/6395, Tehran, Iran
2. AGRICULTURAL DEVELOPMENT BANK OF IRAN (a.k.a. BANK JOSIAIYI KESHAHVARZI), Farahzad Expressway, Tehran, Iran
3. BANK JOSIAIYI KESHAHVARZI (a.k.a. AGRICULTURAL DEVELOPMENT BANK OF IRAN), Farahzad Expressway, Tehran, Iran
4. BANK MARKAZI JOMHOURI ISLAMI IRAN (a.k.a. THE CENTRAL BANK OF IRAN), Ferdowsi Avenue, P.O. Box 11365–8551, Tehran, Iran
5. BANK MASKAN (a.k.a. HOUSING BANK (of Iran)), Ferdowsi St., Tehran, Iran
6. BANK MELLAT, Park Shahr, Varzesh Avenue, P.O. Box 11365/5964, Tehran, Iran, and all offices worldwide, including, but not limited to:

a. BANK MELLAT (Branch), Ziya Gokalp Bulvari No. 12, Kizilay, Ankara, Turkey
b. BANK MELLAT (Branch), Binbir Cicek Sokak, Buyukdere Caddesi, P.O. Box 67, Levant, Istanbul, Turkey
c. BANK MELLAT (Branch), 48 Gresham Street, London EC2V 7AX, England

7. BANK MELLI, P.O. Box 11365–171, Ferdowsi Avenue, Tehran, Iran, and all offices worldwide, including, but not limited to:

a. BANK MELLI (Branch), 4 Moorgate, London EC2R 6AL, England
b. BANK MELLI (Branch), Schadowplatz 12, 4000 Dusseldorf 1, Germany
c. BANK MELLI (Branch), Friedenstrasse 4, P.O. Box 160 154, 6000 Frankfurt am Main, Germany
d. BANK MELLI (Branch), P.O. Box 112129, Holzbruecke 2, 2000 Hamburg 11, Germany
e. BANK MELLI (Branch), Odeonsplatz 18, 8000 Munich 22, Germany
f. BANK MELLI (Branch), 43 Avenue Montaigne, 75008 Paris, France
g. BANK MELLI (Branch), 601 Gloucester Tower, The Landmark, 11 Pedder Street, P.O. Box 720, Hong Kong
h. BANK MELLI (Representative Office), 333 New Tokyo Building, 3–1 Marunouchi, 3–chome, Chiyoda–ku, Tokyo, Japan
i. BANK MELLI (Representative Office), 818 Wilshire Boulevard, Los Angeles, California 90017, U.S.A
j. BANK MELLI (Representative Office), 767 Fifth Avenue, 44th Floor, New York, New York 10153, U.S.A
k. BANK MELLI (Representative Office), Smolensky Boulevard 22/14, Kv. S., Moscow, Russia
l. BANK MELLI (Branch), Flat No. 1, First Floor, 8 Al Sad El–Aaly, Dokki, P.O. Box 2654, Cairo, Egypt
m. BANK MELLI (Branch), Ben Yas Street, P.O. Box No. 1894, Riga Deira, Dubai, U.A.E
n. BANK MELLI (Branch), P.O. Box 2656, Shaikha Maryam Building, Liwa Street, Abu Dhabi, U.A.E
o. BANK MELLI (Branch), B.P.O. Box 1888, Clock Tower, Industrial Road, Al–Ain Club Building in from Emertel Al Ain, Al Ain, Abu Dhabi, U.A.E
p. BANK MELLI (Branch), P.O. Box 1894, Riqa, Ban Yas Street, Deira, Dubai, U.A.E
q. BANK MELLI (Branch), Mohd–Habib Building, Al–Fahidi Street, P.O. Box 3093, Bur Dubai, Dubai, U.A.E
r. BANK MELLI (Branch), P.O. Box 248, Fujairah, U.A.E
s. BANK MELLI (Branch), Sami Sagar Building Oman Street Al–Nakheel, P.O. Box 5270, Ras–Al Khaimah, U.A.E
t. BANK MELLI (Branch), P.O. Box 459, Al Bory Street, Sharjah, U.A.E.
u. BANK MELLI (Branch), P.O. Box 785, Government Road, Shaikh Mubarak Building, Manama, Bahrain
v. BANK MELLI (Branch), P.O. Box 23309, Shaikh Salman Street, Road No. 1129, Muharraq 211, Bahrain
w. BANK MELLI (Branch), P.O. Box 5643, Mossa Abdul Rehman Hassan Building, 238 Al Burj St., Ruwi, Muscat, Oman

8. BANK OF INDUSTRY AND MINE (of Iran) (a.k.a. BANK SANAT VA MADAN), Hafez Avenue, P.O. Box 11365/4978, Tehran, Iran
9. BANK REFAH KARGARAN (a.k.a. WORKERS WELFARE BANK (of Iran)), Moffettah No. 125, P.O. Box 15815 1866, Tehran, Iran
10. BANK SADERAT IRAN, Bank Saderat Tower, P.O. Box 15745–631, Somayeh Street, Tehran, Iran, and all offices worldwide, including, but not limited to:

a. BANK SADERAT IRAN (Branch), Hamdam Street, Airport Road Intersection, P.O. Box 700, Abu Dhabi, U.A.E
b. BANK SADERAT IRAN (Branch), Al–Am Road, P.O. Box 1140, Al Ein, Abu Dhabi, U.A.E
c. BANK SADERAT IRAN (Branch), Liwara Street, P.O. Box 16, Ajman, U.A.E
d. BANK SADERAT IRAN (Branch), 3rd Floor Dom Dasaf Building, Mejloka Street 7A, Ashkhabad, Turkmenistan
e. BANK SADERAT IRAN (Branch), 25–29 Panepistimiou Street, P.O. Box 4308, GR–10210, Athens 10672, Greece
f. BANK SADERAT IRAN (Branch), Imam Ali Street, Sahat Yaghi, Ras Elain–Alektisad Building 2nd Floor, Baalbeck, Lebanon
g. BANK SADERAT IRAN (Branch and Offshore Banking Unit), 106 Government Road, P.O. Box 825, Manama Town 316, Bahrain
h. BANK SADERAT IRAN (Branch), Hamra Pavillion Street, Savvagh and Daaboul Building 1st Floor, P.O. Box 113–6717, Beirut, Lebanon
i. BANK SADERAT IRAN (Branch), Alghobairi Boulevard, Beirut, Lebanon
j. BANK SADERAT IRAN (Branch), 28 Sherif Street, P.O. Box 462, Cairo, Egypt
k. BANK SADERAT IRAN (Branch), Old Ben–Ghanem Street (next to God Market), P.O. Box 2256, Doha, Qatar
l. BANK SADERAT IRAN (Branch), Almaktoum Road, P.O. Box 4182, Deira, Dubai, U.A.E

m. BANK SADERAT IRAN (Branch), Bazar Murshid, P.O. Box 4182, Deira, Dubai, U.A.E
n. BANK SADERAT IRAN (Branch), Alfahid Road, P.O. Box 4182, Bur Dubai, Dubai, U.A.E
o. BANK SADERAT IRAN (Branch), Sherea Shekikh Zayad Street, P.O. Box 55, Fujairah, U.A.E
p. BANK SADERAT IRAN (Branch), Wilhelm Leuschner Strasse 41, P.O. Box 160151, W–6000 Frankfurt am Main, Germany
q. BANK SADERAT IRAN (Branch), P.O. Box 112227, Hopfenhof Passage, Kleiner Bustah 6–10, W–2000 Hamburg 11, Germany
r. BANK SADERAT IRAN (Branch), Lothbury, London EC2R 7HD, England
s. BANK SADERAT IRAN (Representative Office), 707 Wilshire Boulevard, Suite 4880, Los Angeles, California 90017, U.S.A
t. BANK SADERAT IRAN (Representative Office), 55 East 59th Street, 16th Floor, New York, New York 10022, U.S.A.
u. BANK SADERAT IRAN (Branch), P.O. Box 4269, Mutrah, Muscat, Oman
v. BANK SADERAT IRAN (Branch), 16 Rue de la Paix, Paris 2eme, 75002 Paris, France
w. BANK SADERAT IRAN (Branch), Alaroba Road, P.O. Box 316, Sharjah, U.A.E
11. BANK SANAT VA MADAN (a.k.a. BANK OF INDUSTRY AND MINE (of Iran)), Hafez Avenue, P.O. Box 11365/4978, Tehran, Iran
12. BANK SEPAH, Emam Khomeini Square, P.O. Box 11364, Tehran, Iran, and all offices worldwide, including, but not limited to:
a. BANK SEPAH (Branch), Muenchener Strasse 49, P.O. Box 10 03 47, W–6000 Frankfurt am Main 1, Germany
b. BANK SEPAH (Branch), 5/7 Eastcheap, EC3M 1JT London, England
c. BANK SEPAH (Representative Office), 650 Fifth Avenue, New York, New York 10019, U.S.A
d. BANK SEPAH (Branch), 17 Place Vendome, 75001 Paris, France.
e. BANK SEPAH (Branch), Via Barberini 50, 00187 Rome, Italy
f. BANK SEPAH (Representative Office), Ufficio di Rappresentan Za, Via Ugo Foscolo 1, 20121 Milan, Italy
13. BANK TAAVON KESHAVARZI IRAN (a.k.a. AGRICULTURAL COOPERATIVE BANK OF IRAN) No. 129 Patrice Lumumba Street, Jalal–Al–Ahmad Expressway, P.O. Box 14155/6395, Tehran, Iran
14. BANK TEJARAT, 130 Taleghani Avenue, Nejatoullahie, P.O. Box 11365–5416, Tehran, Iran, and all offices worldwide, including, but not limited to:
a. BANK TEJARAT (Branch), 6/8 Clements Lane, London EC4N 7AP, England
b. BANK TEJARAT (Branch), 44 Avenue des Champs Elysees, 75008 Paris, France
15. DEUTSCH–IRANISCHE HANDELSBANK AG (n.k.a. EUROPAEISCH–IRANISCHE HANDELSBANK AG) Depenau 2, W–2000 Hamburg 1, Germany, and all offices worldwide, including, but not limited to:
a. DEUTSCH–IRANISCHE HANDELSBANK AG (n.k.a. EUROPAEISCH–IRANISCHE HANDELSBANK AG) (Representative Office), 23 Argentine Square, Beihaghi Bulvard, P.O. Box 15815/1787, Tehran 15148, Iran
16. EUROPAEISCH–IRANISCHE HANDELSBANK AG (f.k.a. DEUTSCH–IRANISCHE HANDELSBANK AG) Depenau 2, W–2000 Hamburg 1, Germany, and all offices worldwide, including, but not limited to:
a. EUROPAEISCH–IRANISCHE HANDELSBANK AG (f.k.a. DEUTSCH–IRANISCHE HANDELSBANK AG) (Representative Office), 23 Argentine Square, Beihaghi Bulvard, P.O. Box 15815/1787, Tehran 15148, Iran
17. HOUSING BANK (of Iran) (a.k.a. BANK MASKAN), Ferdowsi St., Tehran, Iran
18. IRAN OVERSEAS INVESTMENT BANK LIMITED (f.k.a. IRAN OVERSEAS INVESTMENT CORPORATION LIMITED), 120 Moorgate, London EC2M 6TS, England, and all offices worldwide, including, but not limited to:
a. IRAN OVERSEAS INVESTMENT BANK LIMITED (Representative Office), 1137 Avenue Vali Asr off Park–e–SAll, P.O. Box 15115/531, Tehran, Iran
b. IRAN OVERSEAS INVESTMENT BANK LIMITED (Agency), Suite 3c Olympia House, 61/63 Dame Street, Dublin 2, Ireland
c. IRAN OVERSEAS INVESTMENT BANK LIMITED (Agency), Improgetti, Via Germanico 24, 00192 Rome, Italy
d. IRAN OVERSEAS TRADING COMPANY LIMITED (Subsidiary), 120 Moorgate, London EC2M 6TS, England
e. IRAN OVERSEAS INVESTMENT CORPORATION LIMITED (n.k.a. IRAN OVERSEAS INVESTMENT BANK LIMITED), 120 Moorgate, London EC2M 6TS, England
19. THE CENTRAL BANK OF IRAN (a.k.a. BANK MARKAZI JOMHOURI ISLAMI IRAN), Ferdowsi Avenue, P.O. Box 11365–8551, Tehran, Iran
20. WORKERS WELFARE BANK (of Iran) (a.k.a. BANK REFAH KARGARAN), Moffettah No. 125, P.O. Box 15815 1866, Tehran, Iran

Dated: March 25, 1999.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 31, 1999.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 99–10179 Filed 4–21–99; 4:01 pm]

BILLING CODE 4810–25–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD07–99–003]

RIN 2115–AA98

Anchorage Grounds; Port Everglades, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the Anchorage Regulations for Port Everglades, FL. The amendment is needed to strengthen existing anchoring requirements and guidelines in order to provide a higher degree of protection to the coastal area during periods of adverse weather which would cause anchored vessels to drag anchor and strike other vessels, or become grounded.

DATES: This rule becomes effective May 26, 1999.

FOR FURTHER INFORMATION CONTACT: CWO Marcos DeJesus, Coast Guard Marine Safety Office Miami, at (305) 535–8762.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** on January 26, 1999 (64 FR 3889) proposing to amend the Anchorage Regulations for Port Everglades. No comments were received during the comment period.

Background and Purpose

The east coast of Florida is susceptible to many erratic weather changes, and mariners who are not vigilant to the seas often discover themselves in dangerous situations. In recent years, a number of vessel groundings have resulted from vessels dragging anchor and drifting into the beach or onto reefs during bad weather. These amendments are intended to reduce these incidents by modifying the existing anchoring requirements and guidelines to account for possible adverse weather situations. The amended regulations will require vessels to notify the Captain of the Port when entering the anchorage areas and when any casualty or work affects the main propulsion or steering equipment. The proposed regulations will also require vessels to have an English speaking watchstander monitor Channel 16 VHF at all times.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic effect upon a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities as it will only affect anchored vessels in the waters off Port Everglades and the changes are minor in nature.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded under Figure 2–1, paragraph 34(f) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

In consideration of the foregoing, the Coast Guard amends part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. Revise § 110.186(b) to read as follows:

§ 110.186 Port Everglades, Florida.

* * * * *

(b) *The regulations.*

(1) Commercial vessels in the Atlantic Ocean in the vicinity of Port Everglades shall anchor only within the anchorage area hereby defined and established, except in cases of emergency.

(2) Prior to entering the anchorage area, all vessels shall notify the Coast Guard Captain of the Port, via the Port Everglades Harbormaster, on VHF–FM Channel 14.

(3) All vessels within the anchorage area shall maintain a 24-hour bridge watch by an English speaking licensed deck officer monitoring VHF–FM channel 16. This individual shall perform frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(4) Vessels experiencing casualties such as a main propulsion, main steering or anchoring equipment malfunction or which are planning to perform main propulsion engine repairs or maintenance, shall immediately notify the Coast Guard Captain of the Port via the Coast Guard Group Miami on VHF–FM Channel 16.

(5) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety.

(6) Commercial vessels anchoring under emergency circumstances outside the anchorage area shall shift to new positions within the anchorage area immediately after the emergency ceases.

Dated: April 13, 1999.

G.W. Sutton,

Captain U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 99–10429 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08–99–016]

Drawbridge Operating Regulation; Inner Harbor Navigation Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Norfolk Southern Railroad bascule span drawbridge across the Inner Harbor Navigation Canal, mile 4.5, at New Orleans, Orleans Parish, Louisiana. This deviation allows the Port of New Orleans to close the bridge to navigation from 8 a.m. until noon and from 1 p.m. until 5 p.m., Monday through Friday from May 17, 1999 through May 28, 1999. This temporary deviation is issued to allow for the replacement of the railroad ties on the bascule span deck. The draw will open at any time for a vessel in distress. Presently, the draw opens on signal at all times.

DATES: This deviation is effective from 8 a.m. on May 17, 1999 through 5 p.m. on May 28, 1999.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad bascule span drawbridge across the Inner Harbor Navigation Canal in New Orleans, Louisiana, has a vertical clearance of one foot above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Port of New Orleans requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the maintenance work, involving removal and replacement of the railroad ties on the bascule span deck.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the draw of the Norfolk Southern Railroad bascule span drawbridge across the Inner Harbor Navigation Canal, mile 4.5, at New Orleans, Orleans Parish, Louisiana to remain closed to navigation from 8 a.m. until noon and from 1 p.m. until 5 p.m., Monday through Friday from May 17, 1999 through May 28, 1999.

Dated: April 14, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander Eighth Coast Guard District.

[FR Doc. 99–10430 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–15–M

POSTAL SERVICE

39 CFR Part 20

Changes in International Postal Rates

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service, after considering the comments submitted in response to its request published in the **Federal Register** on December 4, 1998 (63 FR 67017–67026), for comments on proposed changes in international postage rates, hereby gives notice that it is implementing the proposed rates, except as explained below.

EFFECTIVE DATE: 12:01 a.m., Sunday, May 30, 1999.

FOR FURTHER INFORMATION CONTACT: John Alepa, (202) 268–4071 and John Reynolds, (202) 314–7334.

SUPPLEMENTARY INFORMATION: On December 4, 1998, the Postal Service published in the **Federal Register** a notice of proposed changes in international postage rates (63 FR 67017–67026). The Postal Service requested comments by January 4, 1999, and by that date received two comments: one from a private individual and one from a mailer using printed matter services.

Comments from the private individual expressed concern about rate relationships. The commenter identified five specific areas of interest.

First, it was suggested that there should be some equivalence in the postage rates for outbound international mail sent to Canada and Mexico. While this observation may appear intuitively correct, it is premised on the assumption that the cost basis for setting rates to Canada and Mexico are similar. On previous occasions, the Postal Service has addressed this concern indicating that the cost of providing international mail service to Canada and Mexico are each influenced by the cost of delivery assessed separately by each of the two administrations, and that their respective delivery costs are not the same. In addition, transportation cost, length of haul, and associated handling costs incurred to provide service to each of these destinations also differ. These cost differences underlie the rate differences in the proposed rate levels.

Second, the commenter questioned the rate relationships between letters and printed matter, asserting that they too, should be the same. The rates differences as proposed are the result of different mark-ups applied to the costs of providing letter and printed matter services and the market factors that influence them.

Third, the commenter noted the existence of cross-overs between air and surface parcel post rates. This condition is acknowledged and is attributed solely to the cost of providing the respective services. Because of the lower volume of surface parcels, non-transportation processing costs tend to be higher for surface parcels than the comparable processing costs for air parcels. These costs differences are reflected in the rate levels proposed, and in part are also influenced by the average parcel weight for the two services.

Fourth, the commenter asserted the belief that rate differences between weight steps for a given service should be uniform. Particular emphasis on this issue was directed to International Express Mail Service (EMS). Rate design does not require that differences between weight steps be uniform. Flexibility to design rates that have a taper effect better aligns rate levels with market characteristics, and takes into account, in this instance, the presence of document and merchandise within the same product stream. Where certain cross-overs between Global Priority Mail (GPM) and EMS appeared in the notice published on December 4, 1998 in section I A at 63 FR 67018, they have been revised such that the EMS rate is greater.

Fifth, the commenter did question the consistency in the proposed differences for the Bulk Letter Service to Canada and the corresponding single piece letter rates to Canada; namely, it is three or five cents. The published notice on December 4, 1998 contained an error in section IIB at 63 FR 67020. The difference between the Bulk Letter Service to Canada and the corresponding single piece letter rates is five cents.

The Postal Service is also modifying the notice published on December 4, 1998, in section IV A and IV B at 63 FR 67020 with respect to GPM. The rates for Canada also apply to Mexico. The rates applicable to all other countries, therefore, do not apply to Mexico.

The mailer using surface printed matter and publishers' periodical rates provide three main concerns. First, comment on the general size of the rate increase being proposed was offered. While the overall rate increase proposed for international mail is 3.3 percent, this mailer noted that he was facing a much larger increase. The rate levels for printed matter and publishers' periodicals are primarily the result of cost increases resulting from revisions in terminal dues. Second, this mailer gave his endorsement to the proposed drop ship rates for publishers' periodicals. The mailer observed that being able to take advantage of the drop ship option would lower his effective rate increase to levels equivalent to the domestic rate increases. Lastly, the mailer expressed concern that international mail rate changes may be timed with the January 10, 1999, implementation date for domestic postage and fee changes and therefore could be burdensome. The mailer suggested a later implementation date suggesting July 1, 1999 as a possibility. The Postal Service believes that the implementation date announced in this final rule is sensitive to this concern.

The notice published on December 4, 1998 contained errors. In section V C, Publishers' Periodicals, located at 63 FR 67021 the 3-pound weight was given as 2 pounds. In section VE 1, Air-Other Articles, located at 63 FR 67021 the rate for Mexico for 2 ounces is $1.07, not $0.89. In section VI B, Air Parcel Post, located at 63 FR 67022 the 1-pound rate for Canada is $12.61 since there is a 1-pound minimum weight for parcels to that country. It should be noted that, with the exception of air letter rates to Canada, the Postal Service is not changing air letter rates to the rest of the world.

After reviewing and considering the comments received, the Postal Service adopts the following postage rates and amends the International Mail Manual (IMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

Foreign relations, Incorporation by reference, International postal services.

PART 20—[AMENDED]

The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

The International Mail Manual is amended to incorporate the following postal rates:

New International Postage Rates

(See section VII for rate groups for individual countries.)

I. Express Mail International Service

A. On Demand Service

1. Country-Specific Rates

Weight not over (lbs.)	Country				
	Canada	Mexico	Great Britain	China	Japan
0.5	$15.50	$15.50	$18.50	$15.00	$15.00
1	18.00	18.00	22.50	18.00	17.50
2	21.50	21.50	26.50	21.00	21.50
3	25.00	25.00	30.50	28.00	28.00
4	28.50	28.50	34.50	34.00	34.00
5	32.00	32.00	38.50	37.00	37.00
6	34.50	34.50	42.50	39.50	39.00
7	37.00	37.00	46.50	44.00	43.50
8	39.50	39.50	50.50	48.50	48.00
9	42.00	42.00	54.50	53.00	52.50
10	44.50	44.50	58.50	57.50	57.00
Each additional pound or fraction of a pound	$2.50	$2.50	$4.00	$4.50	$4.50

2. Rate Group Countries

Weight not over (lbs.)	Rate group					
	1	2	3	4	5	6
0.5	$19.00	$21.00	$15.00	$19.00	$18.00	$20.00
1	21.50	24.50	19.00	23.00	21.00	22.50
2	25.50	28.50	23.00	27.50	24.50	26.50
3	29.50	32.50	28.00	32.00	28.00	30.50
4	34.00	37.00	34.00	36.50	34.00	35.00
5	39.00	41.50	38.00	41.00	35.00	39.50
6	43.50	45.50	42.50	45.00	38.00	44.00
7	48.00	49.50	47.00	49.00	41.00	48.50
8	52.50	53.50	51.50	53.00	44.00	53.00
9	57.00	57.50	56.00	57.00	47.00	57.50
10	61.50	61.50	60.50	61.00	50.00	62.00
Each additional pound or fraction of a pound	$4.50	$4.00	$4.50	$4.00	$3.00	$4.50

B. Custom Designed Service

1. Country-Specific Rates

Weight not over (lbs.)	Country				
	Canada [1]	Mexico	Great Britain	China	Japan
0.5	.....	$23.50	$26.50	$23.00	$23.00
1	.....	26.00	30.50	26.00	25.50
2	.....	29.50	34.50	29.00	28.50
3	.....	33.00	38.50	33.00	32.50
4	.....	36.50	42.50	38.00	37.50
5	.....	40.00	46.50	43.00	42.50
6	.....	42.50	50.50	47.50	47.00
7	.....	45.00	54.50	52.00	51.50
8	.....	47.50	58.50	56.50	56.00
9	.....	50.00	62.50	61.00	60.50
10	.....	52.50	66.50	65.50	65.00
Each additional pound or fraction of a pound	.....	$2.50	$4.00	$4.50	$4.50

[1] Custom designed service not available.

2. Rate Group Countries

Weight not over (lbs.)	Rate group					
	1	2	3	4	5	6
0.5	$27.00	$29.00	$23.00	$27.00	$26.00	$28.00
1	29.50	32.50	27.00	31.00	29.00	30.50
2	33.50	36.50	31.00	35.50	32.50	34.50
3	37.50	40.50	36.00	40.00	36.00	38.50
4	42.00	45.00	41.00	44.50	39.50	43.00
5	47.00	49.50	46.00	49.00	43.00	47.50
6	51.50	53.50	50.50	53.00	46.00	52.00
7	56.00	57.50	55.00	57.00	49.00	56.50
8	60.50	61.50	59.50	61.00	52.00	61.00
9	65.00	65.50	64.00	65.00	55.00	65.50
10	69.50	69.50	68.50	69.00	58.00	70.00
Each additional pound or fraction of a pound	$4.50	$4.00	$4.50	$4.00	$3.00	$4.50

II. Letters and Letter Packages

A. Canada

Weight Not Over		Rate
(lbs.)	(ozs.)	
0	0.5	$0.48
0	1	0.55
0	1.5	0.67
0	2	0.76
0	3	1.00
0	4	1.20
0	5	1.40
0	6	1.60
0	7	1.80
0	8	2.00
0	9	2.19
0	10	2.39
0	11	2.59
0	12	2.79
1	0	3.59
1	8	4.52
2	0	5.44
2	8	6.36
3	0	7.29
3	8	8.21
4	0	9.14

A 4-pound maximum applies except for registered items sent to Canada. Canada-bound registered items may weigh up to 66 pounds. For registered items weighing over 4 pounds, the rate is $1.85 for each additional pound up to the 66-pound limit.

B. Bulk Letter Service to Canada

Weight not over ozs.	Rate
0.5	$0.43
1	0.50
1.5	0.62
2	0.71
3	0.95

III. Postal Cards/Postcards and Aerogrammes

A. Postal Cards/Postcards

Country	Rate
Canada	$0.45
Mexico	0.40
All others	0.55

B. Aerogrammes

All countries: $0.60 each.

IV. Global Priority Mail (GPM)

A. GPM—Flat-Rate Envelope Postage Rates

Destination [1]	Small	Large
Canada & Mexico	$4.00	$7.00
All other countries	5.00	9.00

[1] Maximum Weight: 4 lbs.

B. GPM—Variable Weight Option Postage Rates

Weight (lbs.) [1]	Canada & Mexico	All other countries
	Rate	Rate
0.5	$6.00	$8.00
1.0	10.00	13.00
1.5	15.00	18.00
2.0	17.00	21.00
2.5	19.00	25.00
3.0	21.00	28.00
3.5	23.00	32.00
4.0	25.00	34.00

[1] Maximum Weight: 4 lbs.

V. Other Articles (AO)

A. Regular Printed Matter and Small Packets—Surface

Weight not over		Mexico	All other Countries except Canada
(lbs.)	(ozs.)	Rate	Rate
0	1	$0.60	$0.70
0	2	0.80	1.04
0	3	1.06	1.30
0	4	1.25	1.45
0	5	1.50	1.96
0	6	1.50	1.96
0	7	1.85	2.46
0	8	1.85	2.46
0	9	2.19	2.96
0	10	2.19	2.96
0	11	2.47	3.47
0	12	2.47	3.47
0	13	2.81	3.97
0	14	2.81	3.97
0	15	3.14	4.48
1	0	3.14	4.48
1	2	3.43	4.84
1	4	3.72	5.20
1	6	4.01	5.56
1	8	4.30	5.92
1	10	4.58	6.28
1	12	4.87	6.64
1	14	5.16	7.00
2	0	5.45	7.36
3	0	7.37	9.66
4	0	9.29	11.96
Each additional pound or fraction of a pound		$1.92	$2.30

B. Valuepost™/Canada

Weight	Rate
Letter-size:	
1 ounce or less.	$0.42
Over 1 ounce.	0.39 plus $0.51 per pound or fraction of a pound.

Weight	Rate
Flat-size:	
5 ounces or less.	0.71.
Over 5 ounces.	0.43 plus $1.16 per pound or fraction of a pound.

C. Publishers' Periodicals—Surface

Weight not over		Mexico	All other Countries except Canada
(lbs.)	(ozs.)	Rate	Rate
0	1	$0.40	$0.38
0	2	0.50	0.48
0	3	0.65	0.62
0	4	0.75	0.72
0	5	0.94	0.91
0	6	0.94	0.91
0	7	1.13	1.10
0	8	1.13	1.10
0	9	1.31	1.30
0	10	1.31	1.30
0	11	1.50	1.49
0	12	1.50	1.49
0	13	1.69	1.68
0	14	1.69	1.68
0	15	1.88	1.87
1	0	1.88	1.87
1	2	2.05	2.05
1	4	2.23	2.23
1	6	2.40	2.41
1	8	2.58	2.59
1	10	2.75	2.77
1	12	2.93	2.95
1	14	3.10	3.13
2	0	3.28	3.31
3	0	4.48	4.46
4	0	5.68	5.61
5	0	6.88	6.76
6	0	8.08	7.91
7	0	9.28	9.06
8	0	10.48	10.21
9	0	11.68	11.36
10	0	12.88	12.51
11	0	14.08	13.66

Note: There is a $0.25 per pound Drop Shipment Discount for publishers' periodicals that are made up to country and tendered at the New Jersey International and Bulk Mail Center (NJI & BMC).

D. Books and Sheet Music—Surface

Weight not over (lbs.)	Mexico	All other countries except Canada
	Rate	Rate
1	$1.88	$1.87
2	3.28	3.31
3	4.48	4.46
4	5.68	5.61
5	6.88	6.76
6	8.08	7.91
7	9.28	9.06
8	10.48	10.21
9	11.68	11.36
10	12.88	12.51
11	14.08	13.66

E. Air—Other Articles (Printed Matter, Matter for the Blind, and Small Packets)

1. Canada and Mexico—Air

Weight not over		Canada	Mexico
(lbs.)	(ozs.)	Rate	Rate
0	0.5	$0.60	$0.60
0	1	0.69	0.76
0	1.5	0.84	0.91
0	2	0.85	1.07
0	3	1.26	1.30
0	4	1.50	1.56
0	5	1.74	1.82
0	6	1.84	2.08
0	7	2.06	2.34
0	8	2.29	2.60
0	9	2.51	2.86
0	10	2.74	3.12
0	11	2.96	3.38
0	12	3.19	3.64
1	0	4.09	4.68
1	8	4.68	6.76
2	0	5.60	8.84
2	8	6.52	10.92
3	0	7.44	13.00
3	8	8.36	15.08
4	0	9.28	17.16
Each additional 1/2-pound or fraction of 1/2-pound		$0.92	$2.08

VI. Parcel Post

(Note: The weight limit for parcel post varies by country. Parcels mailed to Canada must weigh a minimum of 1 pound.)

A. Surface Parcel Post

Weight not over (lbs.)	Canada	Bahamas [1]	All other countries
	Rate	Rate	Rate
2	$11.33	$14.65	$15.70
3	11.69	15.34	16.60
4	13.13	16.01	17.47
5	13.51	16.65	18.32
6	13.90	18.85	20.88
7	14.28	19.52	21.75
8	15.88	20.17	22.59
9	16.30	20.80	23.42
10	16.71	21.42	24.22
11	18.45	23.86	27.10
12	18.89	24.51	27.93
13	19.34	25.14	28.76
14	19.79	25.77	29.57
15	20.23	26.38	30.36
16	20.68	26.99	31.15
17	21.13	27.59	31.93
18	21.57	28.18	32.69
19	22.02	28.77	33.45
20	22.47	29.35	34.20
21	22.91	29.93	34.94
22	23.36	30.50	35.68
23	23.81	31.07	36.41
24	24.25	31.63	37.14
25	26.03	33.42	39.09
26	26.48	33.98	39.80
27	26.92	34.53	40.51

Weight not over (lbs.)	Canada	Bahamas [1]	All other countries
	Rate	Rate	Rate
28	27.37	35.07	41.22
29	27.82	35.62	41.92
30	28.27	36.16	42.61
31	28.71	36.70	43.31
32	29.16	37.24	44.00
33	29.61	37.77	44.68
34	30.05	38.30	45.37
35	30.50	38.83	46.05
36	30.95	39.36	46.73
37	31.39	39.89	47.40
38	31.84	40.41	48.07
39	32.29	40.93	48.75
40	32.73	41.45	49.41
41	33.18	41.97	50.08
42	33.63	42.49	50.75
43	34.07	43.01	51.41
44	34.55	43.52	52.07
Each additional pound or fraction of a pound	$0.50	$0.60	$0.70

[1] Also Bermuda, Caribbean Islands, Central America, Mexico, and St. Pierre adn Miquellon.

B. Air Parcel Post

(See section VII for country rate groups.)

Rate groups	Weight not over (lbs.)						
	Canada	Mexico	A	B	C	D	E
1	$12.61	$9.98	$10.86	$11.76	$13.80	$15.11	$16.69
2	12.61	12.12	13.71	15.42	17.28	19.83	20.68
3	13.28	13.36	15.57	18.01	19.51	23.19	23.15
4	15.11	15.82	18.87	22.31	23.55	28.76	27.75
5	15.84	17.16	20.88	25.12	25.96	32.40	30.43
6	16.56	18.50	22.89	27.92	28.37	36.03	33.11
7	17.29	19.84	24.90	30.73	30.78	39.67	35.79
8	19.40	22.81	28.99	36.11	35.75	46.63	41.42
9	20.18	24.26	31.15	39.13	38.34	50.55	44.30
10	20.97	25.70	33.31	42.15	40.94	54.47	47.19
11	21.75	27.15	35.48	45.17	43.54	58.38	50.07
12	22.53	28.59	37.64	48.19	46.14	62.30	52.95
13	23.32	30.04	39.81	51.21	48.73	66.21	55.84
14	24.10	31.48	41.97	54.23	51.33	70.13	58.72
15	24.88	32.93	44.14	57.25	53.93	74.04	61.60
16	25.66	34.37	46.30	60.27	56.52	77.96	64.49
17	26.45	35.82	48.47	63.29	59.12	81.88	67.37
18	27.23	37.26	50.63	66.31	61.72	85.79	70.25
19	28.01	38.71	52.80	69.33	64.32	89.71	73.14
20	28.79	40.15	54.96	72.35	66.91	93.62	76.02
21	29.58	41.60	57.13	75.37	69.51	97.54	78.90
22	30.36	43.04	59.29	78.39	72.11	101.45	81.79
23	31.14	44.49	61.46	81.41	74.70	105.37	84.67
24	31.92	45.93	63.62	84.43	77.30	109.29	87.55
25	34.04	48.71	67.12	88.76	81.23	114.53	91.61
26	34.82	50.15	69.28	91.78	83.83	118.44	94.49
27	35.60	51.60	71.45	94.80	86.42	122.36	97.38
28	36.38	53.04	73.61	97.82	89.02	126.27	100.26
29	37.17	54.49	75.78	100.84	91.62	130.19	103.14
30	37.95	55.93	77.94	103.86	94.21	134.11	106.03
31	38.73	57.38	80.11	106.88	96.81	138.02	108.91
32	39.51	58.83	82.27	109.90	99.41	141.94	111.79
33	40.30	60.27	84.44	112.92	102.00	145.85	114.68
34	41.08	61.72	86.60	115.94	104.60	149.77	117.56
35	41.86	63.16	88.77	118.96	107.20	153.68	120.44
36	42.65	64.61	90.93	121.98	109.80	157.60	123.33
37	43.43	66.05	93.10	125.00	112.39	161.52	126.21
38	44.21	67.50	95.26	128.02	114.99	165.43	129.09
39	44.99	68.94	97.43	131.04	117.59	169.35	131.98
40	45.78	70.39	99.59	134.06	120.18	173.26	134.86
41	46.56	71.83	101.76	137.08	122.78	177.18	137.74
42	47.34	73.28	103.92	140.10	125.38	181.09	140.63
43	48.12	74.72	106.09	143.12	127.98	185.01	143.51

Weight not over (lbs.)							
Rate groups	Canada	Mexico	A	B	C	D	E
44	48.91	76.17	108.25	146.14	130.57	188.95	146.39
Each additional pound or fraction of a pound	$0.80	.....	$1.50	$3.00	$2.60	$4.00	$3.00

[1] Minimum parcel post weight to Canada is 1 pound.

VII. Country Table

Country	Express mail rate group	Air parcel post rate group
Afghanistan [1]	.....	E
Albania	4 [2]	D
Algeria	6 [2]	D
Andorra	4	B
Angola	6	D
Anguilla	5	A
Antigua and Barbuda	.....	A
Argentina	5	E
Armenia	4	E
Aruba	5	B
Ascension	.....	
Australia	3	D
Austria	2	D
Azerbaijan	4	A
Azores	4	D
Bahamas	5	A
Bahrain	6	C
Bangladesh	1	B
Barbados	5	A
Belarus	4	C
Belgium	2	D
Belize	5	A
Benin	6	A
Bermuda	5	C
Bhutan	1 [2]	D
Bolivia	5	C
Bosnia-Herzegovina	2	A
Botswana	6	D
Brazil	5	E
British Virgin Islands	.....	A
Brunei Darussalam	1	A
Bulgaria	4	D
Burkina Faso	6	D
Burma	.....	B
Burundi [1]	6	B
Cambodia	1	B
Cameroon	6	D
Canada	Country-Specific Rate [2]	Country-Specific Rate
Cape Verde	6	D
Cayman Islands	5	A
Central African Republic	6	E
Chad	6	D
Chile	5	C
China	Country-Specific Rate	D
Colombia	5	B
Comoros	.....	B
Congo, Dem. Rep. of the [1]	6	B
Congo, Rep. of the (Brazzaville)	6	E
Corsica	4	D
Costa Rica	5	A
Côte d'Ivoire (Ivory Coast)	6	C
Croatia	4	C
Cuba	.....	
Cyprus	4	C
Czech Republic	4	C
Denmark	2	C
Djibouti	6	D
Dominica	.....	A
Dominican Republic	5	A
Ecuador	5	B
Egypt	6	D
El Salvador	5	A

Country	Express mail rate group	Air parcel post rate group
Equatorial Guinea	6	B
Eritrea	6	D
Estonia	4[2]	D
Ethiopia	6	B
Falkland Islands.		
Faroe Islands	2	C
Fiji	1[2]	A
Finland	2	A
France (incl. Monaco)	4[2]	D
French Guiana	5[2]	E
French Polynesia	1	E
Gabon	6	D
Gambia		A
Georgia, Republic of	4	E
Germany	2[2]	A
Ghana	6	D
Gibraltar		B
Great Britain and Northern Ireland	Country-Specific Rate	D
Greece	2	A
Greenland		C
Grenada	5	A
Guadeloupe	5[2]	E
Guatemala	5	A
Guinea	6	A
Guinea-Bissau[1]	6	A
Guyana	5	A
Haiti	5	A
Honduras	5	A
Hong Kong	3	D
Hungary	2	C
Iceland	2	A
India	1	D
Indonesia	1	D
Iran		E
Iraq	6.	
Ireland	4	A
Israel	6	D
Italy	2	A
Jamaica	5	A
Japan	Country-Specific Rate	D
Jordan	6	B
Kazakhstan	4	B
Kenya	6	D
Kiribati		A
Korea, Dem. People's Rep. (North).		
Korea, Republic of (South)	3	B
Kuwait	6	D
Kyrgyzstan	4	C
Laos	1	E
Latvia	4	B
Lebanon		A
Lesotho	6	D
Liberia[1]	6.	
Libya		
Liechtenstein	2	C
Lithuania	4	D
Luxembourg	4	C
Macao	1	D
Macedonia	4	C
Madagascar	6	E
Madeira Islands	4	D
Malawi	6	D
Malaysia	1	B
Maldives	1	E
Mali	6	D
Malta	2	D
Martinique	5[2]	E
Mauritania	6	A
Mauritius	6	B
Mexico	Country-Specific Rate	Country-Specific Rate
Moldova	4	D
Mongolia	1	D
Montserrat		A

Country	Express mail rate group	Air parcel post rate group
Morocco	6	C
Mozambique	6	E
Namibia	6	D
Nauru	1[2]	B
Nepal	1	D
Netherlands	2[2]	B
Netherlands Antilles	5	B
New Caledonia	1	E
New Zealand	1	D
Nicaragua	5	A
Niger	6	C
Nigeria	6	D
Norway	2	D
Oman	1	B
Pakistan	1	D
Panama	5	A
Papua New Guinea	1	E
Paraguay	5	C
Peru	5	C
Philippines	1	D
Pitcairn Island		D
Poland	4	C
Portugal	4	D
Qatar	6	B
Reunion		E
Romania	4	D
Russia	4	E
Rwanda	6	D
Saint Christopher (St. Kitts) and Nevis	5	B
Saint Helena		C
Saint Lucia	5	A
Saint Pierre and Miquelon		B
Saint Vincent and the Grenadines	5	C
San Marino		A
Sao Tome and Principe		B
Saudi Arabia	6	B
Senegal	6	D
Serbia-Montenegro[1]	4	B
Seychelles	6	C
Sierra Leone[1]	6	D
Singapore	3	D
Slovak Republic	4	B
Slovenia	2	C
Solomon Islands	1	B
Somalia[1]	6.	
South Africa	6	D
Spain	4	B
Sri Lanka	1	B
Sudan	6	B
Suriname		A
Swaziland	6	B
Sweden	2[2]	E
Switzerland	2	C
Syrian Arab Republic	6	C
Taiwan	3	D
Tajikistan	4	C
Tanzania	6	C
Thailand	3	B
Togo	6	D
Tonga		A
Trinidad and Tobago	5	A
Tristan da Cunha		A
Tunisia	6	B
Turkey	6	B
Turkmenistan	4	D
Turks and Caicos Islands		A
Tuvalu		A
Uganda	6	D
Ukraine	4	D
United Arab Emirates	6	C
Uruguay	5	C
Uzbekistan		E
Vanuatu	1[2]	A

Country	Express mail rate group	Air parcel post rate group
Vatican City		A
Venezuela	5	A
Vietnam	1	B
Wallis and Futuna Islands		E
Western Samoa	1	B
Yemen	6	C
Zambia	6	D
Zimbabwe	6	E

[1] All mail service is currently suspended.
[2] On Demand service only.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–10256 Filed 4–23–99; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[GA–34–1–9805; FRL–6318–3]

Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final conditional interim approval.

SUMMARY: EPA is granting final conditional interim approval of the State Implementation Plan (SIP) revision submitted by the State of Georgia through the Georgia Environmental Protection Division (EPD) on November 15, 1993, and amended on June 17, 1996, which included the 15 percent Rate-of-Progress Plan (15 percent plan). EPA is granting final conditional interim approval because achievement of the 15 percent reduction in emission of volatile organic compounds (VOCs) is dependent upon implementation of the enhanced inspection and maintenance (I/M) plan and the condition pertaining to the implementation of a low Reid Vapor Pressure (RVP) program of 7.0 psi. Full approval of Georgia's 15 percent plan will be granted after EPA reviews the State's demonstration that the enhanced I/M program actually achieved the emission reductions claimed as required by the National Highway Act, approves the Georgia enhanced I/M plan, and approves the low RVP program or other program that meets the same emission reduction requirements. In a **Federal Register** notice published on January 29, 1999, (64 FR 4568) EPA granted final interim approval to Georgia's I/M program. Full approval of the individual measures that comprise the 15 percent plan, except for the low RVP program, is being granted in this action. Additionally, EPA is approving Georgia's 1990 Baseline Emissions Inventory.

DATES: This final rule is effective May 26, 1999.

ADDRESSES: Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.

Air Protection Branch, Georgia Environmental Protection Division, Georgia Department of Natural Resources, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104. The telephone number is 404–562–9036.

SUPPLEMENTARY INFORMATION:

Clean Air Act Requirements for Serious Nonattainment Areas

The Atlanta area was classified as a serious ozone nonattainment area on November 6, 1991. The nonattainment area consists of the following thirteen counties: Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnet, Henry, Paulding, and Rockdale.

Section 182(b) of the Clean Air Act (CAA) requires that each state in which all or part of a serious nonattainment area is located submit, by November 15, 1992, an inventory of actual emissions from all sources, as described in section 172(c)(3) and 182(a)(1), in accordance with guidance provided by the Administrator. This inventory is for calendar year 1990 and is designated the baseline year inventory. The inventory must include both anthropogenic and biogenic sources of volatile organic compounds (VOCs), nitrogen oxides (NO_X), and carbon monoxide (CO), and must address actual emissions of these pollutants in the nonattainment area during the peak ozone season. The inventory must include all point and area sources, as well as all highway and non-highway mobile sources.

In addition, section 182(b)(1)(A) of the CAA requires ozone nonattainment areas classified as moderate and above to develop plans to reduce VOC emissions by 15 percent from the 1990 baseline. The plans were to be submitted by November 15, 1993, and the reductions were required to be achieved within six years of enactment or November 15, 1996. The CAA also set limitations on the creditability of certain types of reductions. Specifically, a state cannot take credit for reductions achieved by Federal Motor Vehicle Control Program (FMVCP) measures promulgated prior to 1990, or for reductions resulting from requirements to lower the Reid Vapor Pressure (RVP) of gasoline promulgated prior to 1990 or required under section 211(h) of the CAA, which restricts gasoline RVP. Furthermore, the CAA does not allow credit for corrections to vehicle I/M programs or corrections to Reasonably Available Control Technology (RACT) rules as these programs were required prior to 1990.

Proposed Action on Submittal

The State of Georgia submitted the 15 percent plan SIP revision for the Atlanta nonattainment area on November 15, 1993, and amended it on June 17, 1996.

On September 12, 1997, EPA published a notice of proposed rulemaking (NPR) in the **Federal Register** proposing conditional interim approval (62 FR 48027). EPA's rationale for granting conditional approval and the details of the November 15, 1993, submittal are contained in the September 12, 1997, NPR and the accompanying technical support document and will not be restated here. EPA received no comments on the NPR. Further information regarding Georgia's I/M program can be found in a **Federal Register** notice published on January 29, 1999 (64 FR 4568).

In the proposed conditional interim approval notice for the 15 percent plan, it was stated that EPA would grant conditional approval of the RVP program. Section 211(c)(4)(C) of the CAA allows nonattainment areas to implement a more stringent RVP standard if the State can satisfy the requirements of this section. The State must demonstrate that the RVP program is necessary to achieve the National Ambient Air Quality Standards. In addition to this requirement, the State must demonstrate that there are no other measures available that are practicable and reasonable, and can be implemented by the needed timeframe. The EPD has committed in a September 29, 1997, letter to submit the necessary documentation that will support the need for a fuel waiver under Section 211(c)(4)(C) of the CAA. For this reason, EPA is granting final conditional interim approval of Georgia's 15 percent plan.

Final Action

EPA is granting final conditional interim approval of the State of Georgia's 15 percent plan contingent upon final full approval of the I/M plan and granting of a waiver and approving the RVP program or other plan that provides equivalent emission reductions. The proposed conditional interim approval was published in the **Federal Register** on September 12, 1997 (62 FR 48027) and no comments were received. EPA is approving Georgia's 1990 Baseline Emissions Inventory for the Atlanta nonattainment area as discussed in the NPR which was published on September 12, 1997 (62 FR 48027). The EPA also approves the rule revisions discussed in the NPR which was published on September 12, 1997 (62 FR 48027) to 391–3–1–.01(llll) ''Volatile Organic Compound''; 391–3–1–.01(mmmm) ''Hazardous Air Pollutant''; 391–3–1–.02(2)(ii) VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products; 391–3–1–.02(rr) Gasoline Dispensing Facility—Stage I; 391–3–1–.02(zz) Gasoline Dispensing Facilities—Stage II; 391–3–1–.02(2)(aaa) Consumer and Commercial Products; 391–3–1–.02(5) Open Burning; 391–3–1–.02(2)(ff) Solvent Metal Cleaning; 391–3–1–.02(7) Prevention of Significant Deterioration; 391–3–1–.03 Permits.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This

final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 25, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: March 16, 1999.

Michael V. Peyton,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42. U.S.C. 7401 *et seq.*

Subpart L—Georgia

2. Section 52.569 is added to read as follows:

§ 52.569 Identification of plan—conditional approval.

EPA is conditionally approving Rule 391–3–1–.02(2)(bbb) Gasoline Marketing-Reid Vapor Pressure (RVP) of the Georgia SIP contingent upon the State submitting documentation supporting the need for a 7.0 psi RVP program within one year of the subject conditional interim approval.

2. Section 52.570, is amended by adding paragraph (c)(41) to read as follows:

§ 52.570 Identification of plan.

* * * * *

(c) * * *

(41) Revisions to Chapters 391–3–1–.01, 391–3–1–.02, and 391–3–1–.03 of the Georgia Department of Natural Resources Rules for Air Quality Control, adopted on May 29, 1996, October 27, 1993, and August 23, 1995.

(i) Incorporation by reference.

(A) Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391–3–1, Air Quality Control, adopted on May 29, 1996:

(*1*) 391–3–1–.01(llll).

(*2*) 391–3–1–.01(mmmm).

(*3*) 391–3–1–.02(2)(ff)4.

(*4*) 391–3–1–.02(2)(ff)5.

(*5*) 391–3–1–.02(7).

(*6*) 391–3–1–.03(6).

(*7*) 391–3–1–.03(6)(b)11.

(*8*) 391–3–1–.03(6)(b)13.

(*9*) 391–3–1–.03(6)(c).

(*10*) 391–3–1–.03(6)(g).

(*11*) 391–3–1–.03(6)(h).

(B) Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391–3–1, Air Quality Control, adopted October 27, 1993:

(*1*) 391–3–1–.02(2)(aaa).

(*2*) 391–3–1–.02(5)(a)3.

(*3*) 391–3–1–.02(5)(a)13.

(*4*) 391–3–1–.02(5)(b).

(C) Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391–3–1, Air Quality Control, adopted August 23, 1995:

(*1*) 391–3–1–.02(2)(ii)6.

(*2*) 391–3–1–.02(2)(rr)1.

(*3*) 391–3–1–.02(2)(rr)3(vii).

(*4*) 391–3–1–.02(2)(rr)6.

(*5*) 391–3–1–.02(2)(zz)3.

(*6*) 391–3–1–.02(2)(zz)7.

(*7*) 391–3–1–.02(2)(zz)8.

(*8*) 391–3–1–.02(2)(zz)9.

(*9*) 391–3–1–.02(2)(zz)10.

(*10*) 391–3–1–.02(2)(zz)11.

(*11*) 391–3–1–.02(2)(zz)13.

(*12*) 391–3–1–.02(2)(zz)20.

(*13*) 391–3–1–.02(2)(aaa)4.

(ii) Other material. None.

* * * * *

[FR Doc. 99–10235 Filed 4–23–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6330–3]

RIN 2060–AC19

National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This document amends certain portions of the final regulation ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks,'' which was published on January 17, 1997. This rule is commonly known as the Hazardous Organic NESHAP or the HON.

These amendments to the rule will not change the basic control requirements of the rule or the level of health protection it provides. The rule requires new and existing major sources to control emissions of hazardous air pollutants to the level reflecting application of the maximum achievable control technology.

EFFECTIVE DATE: April 26, 1999.

ADDRESSES: *Docket.* Docket Numbers A–90–19, A–90–20, A–90–21, A–90–22, and A–90–23 contain the supporting information for the original NESHAP and this action. These dockets are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260–7548 or 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For questions, contact Dr. Janet S. Meyer, Coatings and Consumer Products Group, at telephone (919) 541–5254 or e-mail meyer.jan@epa.gov, or contact Mary Tom Kissell, Waste and Chemical Processes Group, at telephone (919) 541–4516 or e-mail kissell.mary@epa.gov. The mailing address for both contacts is Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities and Background Information

A. Regulated Entities

The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry	Synthetic organic chemical manufacturing industry (SOCMI) units, e.g., producers of benzene, toluene, or any other chemical listed in Table 1 of 40 CFR part 63, subpart F.

This table is not intended to be exhaustive but, rather, provides a guide for readers regarding entities likely to be interested in the revisions to the regulation affected by this action. Entities potentially regulated by the HON are those which produce as primary intended products any of the chemicals listed in table 1 of 40 CFR part 63, subpart F and are located at facilities that are major sources as defined in section 112 of the Clean Air Act. Potentially regulated entities generally are companies that manufacture industrial organic chemicals and cyclic organic crude and intermediates. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR 63.100. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Background on the Rule

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the EPA published in the **Federal Register** the NESHAP for the SOCMI, and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the hazardous organic NESHAP, or the HON. Since the April 22, 1994 notice, there have been several amendments to clarify various aspects of the rule. Readers should see the following **Federal Register** documents for more information: September 20, 1994 (59 FR 48175); October 24, 1994 (59 FR 53359); October 28, 1994 (59 FR 54131); January 27, 1995 (60 FR 5321); April 10, 1995 (60 FR 18020); April 10, 1995 (60 FR 18026); December 12, 1995 (60 FR 63624); February 29, 1996 (61 FR 7716); June 20, 1996 (61 FR 31435); August 26, 1996 (61 FR 43698); December 5, 1996 (61 FR 64571); January 17, 1997 (62 FR 2721); August 22, 1997 (62 FR 44608); and December 9, 1998 (63 FR 67787).

II. Summary of Corrections

Today's changes are described in Table 2 to this preamble for the convenience of the reader.

Section 40 CFR, part 63	Change
63.100(g)(4)	Changes ''ceasing'' to ''ceases'' for grammatical reasons and makes cross reference correction by revising ''(g)(2)(i) and (g)(2)(iii) of this section'' to ''(g)(2)(i) and (g)(2)(ii) of this section.''
63.100(h)(3)	Makes cross reference correction.
63.100(i)(5)	Makes cross reference correction.
63.116(c)(3)(iii)(B)	Text currently reads ''[t]he concentration corrected to 3 percent oxygen (C_c) shall be computed using either of the following equations . . .'' Only one equation follows this text and the sentence was changed to reflect this.
63.129(a)(4)(ii)	The first sentence was inadvertently omitted from the final rule. Today's amendments corrects this oversight.
63.133(h)	Delay of repair provisions are intended to apply to any inspection done for the section. Today's action removes cross references to specific paragraphs.
63.134(b)(2)(ii)(B)	Makes cross reference correction.
63.139(d)(4)	This paragraph exempted certain boilers, process heaters, and incinerators from performance test or design evaluation requirements. Today's revisions adds an exemption from the monitoring requirements of § 63.143 for these cases.
63.145(d)(6)	Removes an equation that is not used in the compliance demonstration.

Section 40 CFR, part 63	Change
63.145(i)	Adds paragraph (i) introductory text. This paragraph was inadvertently deleted in the December 9, 1998 FEDERAL REGISTER notice. This paragraph was previously incorrectly designated as § 63.145(h)(2)(iii).
63.145(c)(2)	Replaces ''flow meter'' with ''flow measurement device.'' This makes it consistent with EPA's intent and terminology used elsewhere.
63.146(b)(8) introductory text	Makes cross reference corrections by revising ''§ 63.138(b)(1)(iii)(C), (c)(1)(iii)(D), (d), or (e) of this subpart'' to ''§ 63.138(b)(1), (c)(1), (d), (e), (f), or (g) of this subpart.''
63.146(b)(8)(i)	Adds a sentence clarifying that when using the design steam stripper option specified in § 63.138(d) to comply, some reports are not required.
63.147(b)(4)	Makes cross reference corrections by revising ''Item 1 and Item 2 of table 12 of this subpart'' to Item 1 and Item 3 of table 12 of this subpart.''
63.147(b)(5)	Makes cross reference corrections by revising ''paragraphs (e) and (g) of this subpart'' to ''paragraph (e) of this subpart'' and revising ''Item 3 of table 12 of this subpart'' to Item 2 of table 12 of this subpart.''
63.148(b)(3)	Removes the requirement for a Method 21 initial inspection. Initial visual inspection is still required. This makes it consistent with the requirements in §§ 63.133 through 63.137 and EPA's intent.
63.148(c), introductory text	Removes words ''fixed roof,'' ''cover,'' and ''enclosure'' from text to remove requirement for Method 21 initial inspection. Amendments make the rule text consistent with the requirements in table 11 of subpart G.
63.148(c)(4)(ii)	Makes cross reference corrections.
63.150(g)(5), (h)(5), and (j)(2)	Today's action: —Makes cross reference corrections throughout the wastewater portions of this section. —For consistency with the wastewater sections, replaces: ''organic HAP'' with ''table 9 HAP'; ''point of generation'' with ''point of determination''; and ''VOHAP'' with ''table 9 HAP.'' —Replaces § 63.150(g)(5)(i)(A)(*1*) and (*2*) with a reference to the sampling plan requirements in § 63.144(b)(5)(ii). —Replaces equation in § 63.150(h)(5)(v)(A) with correct equation. The FEDERAL REGISTER printed the wrong equation; it printed the equation in § 63.150(h)(5)(v)(B) twice. —Adds reference to § 63.145(a)(3) and (a)(4) as to what is meant by ''representative conditions.''
§ 63.151(j)(3)	Changes the reference to ''(e) of this section'' to ''(e)(1) through (e)(5) of this section'' and specifies the information shall be submitted to the EPA regional office where the source is located.
§ 63.152(c)(2)(ii)(C)	Makes no conceptual changes: revisions are clarifying edits.
§ 63.152(d)(1)	Removes ''semi-annual'' from the second sentence and makes the corresponding cross reference change. This correction clarifies the reporting obligations for instances where a source does not follow its start-up, shut-down, and malfunction plan. The correction also makes this paragraph consistent with § 63.10(d)(5).
Table 4 to subpart G	Makes terms consistent with rule text by replacing ''mass flow'' with ''mass or volumeric flow.''
Table 7 to subpart G	Makes terms consistent with rule text by replacing ''mass flow'' with ''mass or volumeric flow.''
63.160(a)	Replaces the word ''systems'' with ''closed vent systems.'' The change revises the paragraph to use a defined term and is the intended meaning of the text.
63.163(b)(1)	Makes cross reference correction.
63.164(h)	Makes cross reference correction.
63.173(j)	Makes cross reference correction.
63.181(b)(7)	Makes cross reference correction and corresponding grammatical change by replacing ''through'' with ''and.''
63.181(g)(3)	Makes cross reference correction and corresponding grammatical change by replacing ''through'' with ''and.''

III. Administrative Requirements

A. Good Cause Finding

By promulgating these technical corrections directly as a final rule, the EPA is foregoing an opportunity for public comment on a notice of proposed rulemaking. Section 553(b) of title 5 of the United States Code and section 307(b) of the CAA permit an agency to forego notice and comment when ''the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' The EPA finds that notice and comment regarding these minor technical corrections are unnecessary due to their noncontroversial nature and because they do not substantively change the requirements of the HON. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of a notice of proposed rulemaking is unnecessary.

B. Executive Orders 12866, 13045, 13083, 13084, Unfunded Mandates Reform Act, Regulatory Flexibility Act, and Administrative Procedure Act

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act

or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the December 9, 1998 **Federal Register** document.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of April 26, 1999. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (the NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. The NTTAA requires the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This regulatory action makes technical amendments, such as cross reference corrections and does not involve any technical standards that would require the Agency to consider voluntary consensus standards pursuant to section 12(d) of the NTTAA.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 12, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40 chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. Section 63.100 is amended as follows:

a. By revising paragraph (g)(4);

b. In paragraph (h)(3), by revising the reference to ''(h)(2)(iv) of this section'' to read ''(h)(2)(iii) of this section'; and

c. In paragraph (i)(5), by revising the reference to ''(i)(2)(iv) of this section'' to read ''(i)(2)(iii) of this section.''

The revision to paragraph (g)(4) reads as follows:

§ 63.100 Applicability and designation of source.

* * * * *

(g) * * *

(4) If the storage vessel begins receiving material from (or sending material to) another chemical manufacturing process unit, or ceases to receive material from (or send material to) a chemical manufacturing process unit, or if the applicability of this subpart F and subpart G of this part to a storage vessel has been determined according to the provisions of paragraphs (g)(2)(i) and (g)(2)(ii) of this section and there is a change so that the predominant use may reasonably have changed, the owner or operator shall reevaluate the applicability of this subpart to the storage vessel.

* * * * *

3. Section 63.116 is amended by revising paragraph (c)(3)(iii)(B) to read as follows:

§ 63.116 Process vent provisions—performance test methods and procedures to determine compliance.

* * * * *

(c) * * *

(3) * * *

(iii) * * *

(B) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m\left(\frac{17.9}{20.9 - \%O_{2d}}\right)$$

Where:

C_c=Concentration of TOC or organic HAP corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_m=Concentration of TOC (minus methane and ethane) or organic HAP, dry basis, parts per million by volume.

$\%0_{2d}$=Concentration of oxygen, dry basis, percent by volume.

* * * * *

4. Section 63.129 is amended by revising paragraph (a)(4)(ii) to read as follows:

§ 63.129 Transfer operations provisions—reporting and recordkeeping for performance tests and notification of compliance status.

(a)* * *

(4) * * *

(ii) The percent reduction of total organic HAP or TOC achieved by the control device determined as specified in § 63.128(a) of this subpart, or the concentration of total organic HAP or TOC (parts per million by volume, by compound) determined as specified in § 63.128(a) of this subpart at the outlet of the control device. For combustion devices, the concentration shall be reported on a dry basis corrected to 3 percent oxygen.

* * * * *

5. Section 63.133 is amended by revising the second sentence of paragraph (h) to read as follows:

§ 63.133 Process wastewater provisions—wastewater tanks.

* * * * *

(h) * * * If a failure that is detected during inspections required by this section cannot be repaired within 45 calendar days and if the vessel cannot be emptied within 45 calendar days, the owner or operator may utilize up to 2 extensions of up to 30 additional calendar days each. * * *

6. In § 63.134, paragraph (b)(2)(ii)(B) is amended by revising the reference to ''(b)(2)(i) of this section'' to read ''(b)(2)(ii)(A) of this section.''

7. Section 63.139 is amended by revising paragraph (d)(4) introductory text to read as follows:

§ 63.139 Process wastewater provisions—control devices.

* * * * *

(d) * * *

(4) An owner or operator using any control device specified in paragraphs (d)(4)(i) through (d)(4)(iv) of this section is exempt from the requirements in paragraphs (d)(1) through (d)(3) of this section and from the requirements in § 63.6(f) of subpart A of this part, and from the requirements of paragraph (e) of this section.

* * * * *

8. Section 63.145 is amended as follows:

a. In paragraph (d)(6), by removing and reserving equation WW5;

b. By adding paragraph (i) introductory text; and

c. By revising paragraph (c)(2).

The addition of paragraph (i) introductory text and the revision of paragraph (c)(2) read as follows:

§ 63.145 Process wastewater provisions—test methods and procedures to determine compliance.

* * * * *

(c) * * *

(2) *Flow rate.* The flow rate of the entering and exiting wastewater streams shall be determined using inlet and outlet flow measurement devices, respectively. Where the outlet flow is not greater than the inlet flow, a flow measurement device shall be used, and may be used at either the inlet or outlet. Flow rate measurements shall be taken at the same time as the concentration measurements.

* * * * *

(i) *Performance tests for control devices other than flares.* This paragraph applies to performance tests that are conducted to demonstrate compliance of a control device with the efficiency limits specified in § 63.139(c). If complying with the 95-percent reduction efficiency requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(9) of this section. If complying with the 20 ppm by volume requirement, comply with the requirements specified in paragraphs (i)(1) through (i)(6) and (i)(9) of this section. The 20 ppm by volume limit or 95-percent reduction efficiency requirement shall be measured as either total organic hazardous air pollutants or as TOC minus methane and ethane.

* * * * *

9. Section 63.146 is amended by revising paragraph (b)(8) introductory text and by adding two sentences to the end of paragraph (b)(8)(i) introductory text to read as follows:

§ 63.146 Process wastewater provisions—reporting.

* * * * *

(8) For each treatment process used to comply with § 63.138(b)(1), (c)(1), (d), (e), (f), or (g) of this subpart, the owner or operator shall submit the information specified in paragraphs (b)(8)(i) and (b)(8)(ii) of this section.

(i) * * * An owner or operator using the design steam stripper compliance option specified § 63.138(d) of this subpart does not have to submit the information specified in paragraph (b)(8)(i)(A) or (b)(8)(i)(B) of this section. However, the monitoring requirements specified in Item 2 of table 12 of this subpart still apply.

* * * * *

10. Section 63.147 is amended by revising paragraphs (b)(4) and (b)(5) to read as follows:

§ 63.147 Process wastewater provisions—recordkeeping.

* * * * *

(b) * * *

(4) For Item 1 and Item 3 of table 12 of this subpart, the owner or operator shall keep the records approved by the Administrator.

(5) Except as provided in paragraph (e) of this section, continuous records of the monitored parameters specified in Item 2 of table 12 and table 13 of this subpart, and in § 63.143(e)(2) of this subpart.

* * * * *

11. Section 63.148 is amended by revising paragraph (b)(3); revising paragraph (c) introductory text and revising the second sentence in paragraph (c)(4)(ii) to read as follows:

§ 63.148 Leak inspection provisions.

* * * * *

(b) * * *

(3) For each fixed roof, cover, and enclosure, the owner or operator shall conduct initial visual inspections and semi-annual visual inspections for visible, audible, or olfactory indications of leaks as specified in §§ 63.133 through 63.137 of this subpart.

(c) Each vapor collection system and closed vent system shall be inspected according to the procedures specified in paragraphs (c)(1) through (c)(5) of this section.

(4) * * *

(ii) * * * A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (c)(2)(i) of this section. * * *

* * * * *

12. Section 63.150 is amended as follows:

a. By revising paragraphs (g)(5) and (h)(5);

b. By adding a sentence to the end of the introductory text to paragraph (j)(2); and

c. By revising paragraphs (j)(2)(ii)(B) and (m)(5)(i) to read as follows:

§ 63.150 Emissions averaging provisions.

* * * * *

(g) * * *

(5) Emissions from wastewater shall be calculated as follows:

(i) The following equation shall be used for each wastewater stream i to calculate EWW_{ic}:

$$EWW_{ic} = \left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(1 - Fr_m\right) Fe_m HAP_{im} + (0.05)\left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(Fr_m HAP_{im}\right)$$

where:

EWW_{ic} = Monthly wastewater stream emission rate if wastewater stream i is controlled by the reference control technology, megagrams per month.

Q_i = Average flow rate for wastewater stream i, as determined by the procedure in § 63.144(c)(3), liters per minute.

H_i = Number of hours during the month that wastewater stream i was generated, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fr_m = Fraction removed of table 9 HAP m in wastewater, from table 9, dimensionless.

Fe_m = Fraction emitted of table 9 HAP m in wastewater, from table 34, dimensionless.

HAP_{im} = Average concentration of table 9 HAP m in wastewater stream i, parts per million by weight.

(A) HAP_{im} shall be determined for the point of determination or, at a location downstream of the point of determination and adjusted according as specified in § 63.144(b)(6) of this subpart, by developing and using the sampling plan specified in § 63.144(b)(5)(ii) of this subpart. The samples collected may be analyzed by any of the methods specified in § 63.144(b)(5)(i)(B) through (b)(5)(i)(F) of this subpart. Concentration measurements based on Method 305 shall be adjusted by dividing each concentration by the compound-specific Fm factor listed on table 34 of this subpart. Concentration measurements other than Method 305 shall not be adjusted by the compound-specific Fm factor listed in table 34 of this subpart.

(B) Values for Q_i, HAP_{im}, and C_{im} shall be determined during a performance test conducted under representative conditions as specified in § 63.145(a)(3) and (a)(4) of this subpart. The average value obtained from three test runs shall be used. The values of Q_i, HAP_{im}, and C_{im} shall be established in the Notification of Compliance Status and must be updated as provided in paragraph (g)(5)(i)(C) of this section.

(C) If there is a change to the process or operation such that the previously measured values of Q_i, HAP_{im}, and C_{im} are no longer representative, a new performance test shall be conducted to determine new representative values of Q_i, HAP_{im}, and C_{im}. These new values shall be used to calculate debits and credits from the time of the change forward, and the new values shall be reported in the next Periodic Report.

(ii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is not managed according to the provisions for waste management units of §§ 63.133 through 63.137 of this subpart, as applicable, which specify equipment and work practices for suppressing and controlling vapors. Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 \times 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} Fe_m HAP_{im}$$

Where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

(iii) The following equation shall be used to calculate $EWW_{iACTUAL}$ for each wastewater stream i that is managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology (for the purposes of the wastewater emissions averaging provisions, the term control is used to mean treatment). Q_i, H_i, s, Fe_m, and HAP_{im} are as defined and determined according to paragraph (g)(5)(i) of this section.

$$EWW_{iACTUAL} = \left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left[Fe_m HAP_{im}\left(1 - PR_{im}\right)\right] + \left(1 - \frac{R_i}{100\%}\right)\left(6.0 * 10^{-8}\right) Q_i H_i \sum_{m=1}^{s} \left(HAP_{im} PR_{im}\right)$$

Where:

$EWW_{iACTUAL}$ = Monthly wastewater stream emission rate if wastewater stream i is uncontrolled or is controlled to a level less stringent than the reference control technology, megagrams per month.

PR_{im} = The efficiency of the treatment process, or series of treatment processes, which treat wastewater stream i, in reducing the emission potential of table 9 HAP m in wastewater, dimensionless, as calculated by:

$$PR_{im} = \frac{HAP_{im-in} - HAP_{im-out}}{HAP_{im-in}}$$

Where:

HAP_{im-in} = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater entering the first treatment process in the series.

HAP_{im-out} = Average concentration of table 9 HAP m, parts per million by weight, as defined and determined according to paragraph (g)(5)(i) of this section, in the wastewater exiting the last treatment process in the series.

R_i = Reduction efficiency of the device used to control any vapor streams emitted and collected from wastewater stream i during treatment, dimensionless, as determined according to the procedures in § 63.145(i) or (j) of this subpart.

* * * * *

(h) * * *

(5) Emissions from wastewater shall be determined as follows:

(i) $EWW1_{ic}$ shall be calculated according to the equation for EWW_{ic} in paragraph (g)(5)(i) of this section.

(ii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(ii) of this section for each Group 2 wastewater stream i, which on November 15, 1990, was not managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable.

(iii) $EWW2_{iBASE}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i, which on November 15, 1990, was managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and was uncontrolled or controlled to a level less stringent than the reference control technology.

(iv) For Group 2 wastewater streams that are managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, $EWW2_{iACTUAL}$ shall be calculated as follows:

(A) $EWW2_{iACTUAL}$ shall be calculated according to the equation for $EWW_{iACTUAL}$ in paragraph (g)(5)(iii) of this section for each Group 2 wastewater stream i that is controlled to a level less stringent than, or equivalent to, the reference control technology.

(B) $EWW2_{iACTUAL}$ shall be calculated according to the procedures for calculating $EWW1_{iACTUAL}$ in paragraph (h)(5)(v) of this section for each Group 2 wastewater stream that is controlled to a level more stringent than the reference control technology.

(v) The following equations for EWW1iACTUAL shall be used to calculate emissions from each Group 1 wastewater stream i that is managed according to the requirements of §§ 63.133 through 63.137 of this subpart, as applicable, and is controlled to a level more stringent than the reference control technology.

(A) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the concentration of table 9 HAP for stream i greater than that of the design steam stripper specified in § 63.138(d) of this subpart, and the control device used to reduce table 9 HAP emissions from the vapor stream(s) vented from the treatment process(es) achieves a percent reduction equal to 95 percent, the following equation shall be used. All terms in this equation are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-PR_{im}\right)\right] + 0.05\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[HAP_{im} PR_{im}\right]$$

(B) If the Group 1 wastewater stream i is not controlled using a treatment process or series of treatment processes with a nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in § 63.138(d) of this subpart, but the vapor stream(s) vented from the treatment process(es) are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-Fr_m\right)\right] + \left(1-\frac{\text{Nominal efficiency\%}}{100}\right)\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[HAP_{im} Fr_m\right]$$

(C) If the Group 1 wastewater stream i is controlled using a treatment process or series of treatment processes with an approved nominal reduction efficiency in the table 9 HAP concentration greater than that of the design steam stripper specified in § 63.138(d) of this subpart, and the vapor stream(s) vented from the treatment process are controlled using a device with an approved nominal efficiency greater than 95 percent, the following equation shall be used. All terms other than nominal efficiency are as defined and determined in paragraph (g)(5) of this section.

$$EWW1_{iACTUAL} = \left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[Fe_m HAP_{im}\left(1-PR_{im}\right)\right] + \left(1-\frac{\text{Nominal efficiency\%}}{100}\right)\left(6.0*10^{-8}\right) Q_i H_i \sum_{m=1}^{s}\left[HAP_{im} PR_{im}\right]$$

* * * * *

(j) * * *

(2) * * * When the term ''organic HAP'' is used in § 63.150(j)(2) in reference to wastewater emission points, the term ''table 9 HAP'' shall apply for the purposes of this paragraph.

* * * * *

(ii) * * *

(B) For wastewater, E_B shall be calculated as follows:

$$E_B = \sum_{i=1}^{n}\left[\left(6.0*10^{-8}\right) Q_{Bi} H_{Bi} \sum_{m=1}^{s} Fe_m HAP_{Bim}\right]$$

Where:

n = Number of wastewater streams.

Q_{Bi} = Average flow rate for wastewater stream i before the pollution prevention measure, defined and determined according to paragraph

(g)(5)(i) of this section, liters per minute, before implementation of the pollution prevention measure.

H_{Bi} = Number of hours per month that wastewater stream i was discharged before the pollution prevention measure, hours per month.

s = Total number of table 9 HAP in wastewater stream i.

Fe_m = Fraction emitted of table 9 HAP m in wastewater of this subpart, dimensionless.

HAP_{Bim} = Average concentration of table 9 HAP m in wastewater stream i, defined and determined according to paragraph (g)(5)(i) of this section, before the pollution prevention measure, parts per million by weight, as measured before the implementation of the pollution measure.

* * * * *

(m) * * *

(5) * * *

(i) For wastewater treatment processes, conduct tests as specified in § 63.138(j) of this subpart.

* * * * *

13. Section 63.151 is amended by revising paragraph (j)(3) to read as follows:

§ 63.151 Initial notification.

* * * * *

(j) * * *

(3) Whenever an emission point or a chemical manufacturing process unit is added to a source, written information specified under paragraphs (e)(1) through (e)(5) of this section, containing information on the new emission point(s) shall be submitted to the EPA regional office where the source is located.

14. Section 63.152 is amended by revising paragraphs (c)(2)(ii)(C) and (d)(1) to read as follows:

§ 63.152 General reporting and continuous records.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(C) A monitored parameter that is outside its established range or monitoring data that are not collected are excursions. However, if the conditions in paragraph (c)(2)(ii)(C)(*1*) or (c)(2)(ii)(C)(*2*) of this section are met, these excursions are not violations and do not count toward the number of excused excursions for determining compliance.

(*1*) *Periods of start-up, shutdown, or malfunction.* During periods of start-up, shutdown, or malfunction when the source is operated during such periods in accordance with the source's start-up, shutdown, and malfunction plan as required by § 63.6(e)(3) of subpart A.

(2) *Periods of nonoperation.* During periods of nonoperation of the chemical manufacturing process unit, or portion thereof, that results in cessation of the emissions to which the monitoring applies.

* * * * *

(d) * * *

(1) Reports of start-up, shutdown, and malfunction required by § 63.10(d)(5) of subpart A. The start-up, shutdown and malfunction reports may be submitted on the same schedule as the Periodic Reports required under paragraph (c) of this section instead of the schedule specified in § 63.10(d)(5) of subpart A.

* * * * *

15. The appendix to subpart G is amended by revising tables 4 and 7 to read as follows:

Appendix to Subpart G—Tables and Figures

* * * * *

TABLE 4. PROCESS VENTS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR MAINTAINING A TRE INDEX VALUE >1.0 AND ≤4.0

Final recovery device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
Absorber [b]	Exit temperature of the absorbing liquid [63.114(b)(1)], and.	1. Continuous records [c]. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the TRE determination—NCS [d]. 3. Record the daily average exit temperature of the absorbing liquid for each operating day [e]. 4. Report all the daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit—PR [f].
	Exit specific gravity [63.114(b)(1)]	1. Continuous records. 2. Record and report the exit specific gravity averaged over the full period of the TRE determination—NCS. 3. Record the daily average exit specific gravity for each operating day [e]. 4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit—PR.
Condenser [d]	Exit (product side) temperature [63.114(b)(2)].	1. Continuous records. 2. Record and report the exit temperature averaged over the full period of the TRE determination—NCS. 3. Record the daily average exit temperature for each operating day [e]. 4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit—PR.
Carbon adsorber [d]	Total regeneration stream mass or volumetric flow during carbon bed regeneration cycle(s) [63.114(b)(3)], and.	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the TRE determination—NCS. 3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit—PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] [63.114(b)(3)].	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the TRE determination—NCS.

TABLE 4. PROCESS VENTS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR MAINTAINING A TRE INDEX VALUE >1.0 AND >4.0—Continued

Final recovery device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
All recovery devices (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.114 (b)].	3. Report all carbon bed regeneration cycles during which temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit—PR. 1. Continuous records. 2. Record and report the concentration level or reading averaged over the full period of the TRE determination—NCS. 3. Record the daily average concentration level or reading for each operating day [e]. 4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit—PR.

[a] Regulatory citations are listed in brackets.
[b] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under ''All Recovery Devices.''
[c] ''Continuous records'' is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all values recorded during the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] PR= Periodic Reports described in § 63.152 of this subpart.

* * * * *

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME

Control device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
Thermal incinerator	Firebox temperature [b] [63.127(a)(1)(i)].	1. Continuous records [c] during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS.[d] 3. Record the daily average firebox temperature for each operating day [e] 4. Report daily average temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR[g]
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed [63.127(a)(1)(ii)].	1. Continuous records during loading. 2. Record and report the upstream and downstream temperatures and the temperature difference across the catalyst bed averaged over the full period of the performance test—NCS. 3. Record the daily average upstream temperature and temperature difference across catalyst bed for each operating day.[e] 4. Report all daily average upstream temperatures that are outside the range established in the NCS or operating permit—PR. 5. Report all daily average temperature differences across the catalyst bed that are outside the range established in the NCS or operating permit—PR. 6. Report all operating days when insufficient monitoring data are collected.[f]
Boiler or process heater with a design heat input capacity less than 44 megawatts and vent stream is not introduced with or as the primary fuel.	Firebox temperature [b] [63.127(a)(3)].	1. Continuous records during loading. 2. Record and report the firebox temperature averaged over the full period of the performance test—NCS. 3. Record the daily average firebox temperature for each operating day.[e] 4. Report all daily average firebox temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient data are collectedf—PR.
Flare	Presence of a flame at the pilot light [63.127(a)(2)].	1. Hourly records of whether the monitor was continuously operating and whether the pilot flame was continuously present during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS. 3. Record the times and durations of all periods when all pilot flames are absent or the monitor is not operating. 4. Report the duration of all periods when all pilot flames of a flare are absent—PR.

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME—Continued

Control device	Parameters to be monitored [a]	Recordkeeping and reporting requirements for monitored parameters
Scrubber for halogenated vent streams (Note: Controlled by a combustion device other than a flare).	pH of scrubber effluent [63.127(a)(4)(i)], and.	1. Continuous records during loading. 2. Record and report the pH of the scrubber effluent averaged over the full period of the performance test—NCS. 3. Record the daily average pH of the scrubber effluent for each operating day.[e] 4. Report all daily average pH values of the scrubber effluent that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
	Scrubber liquid and gas flow rates [63.127(a)(4)(ii)].	1. Continuous records during loading of scrubber liquid flow rate. 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS. 3. Record the daily average scrubber liquid/gas ratio for each operating day.[e] 4. Report all daily average scrubber liquid/gas ratios that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
Absorber [h]	Exit temperature of the absorbing liquid [63.127(b)(1)], and.	1. Continuous records during loading. 2. Record and report the exit temperature of the absorbing liquid averaged over the full period of the performance test—NCS. 3. Record the daily average exit temperature of the absorbing liquid for each operating day.[e] 4. Report all daily average exit temperatures of the absorbing liquid that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
	Exit specific gravity [63.127(b)(1)]	1. Continuous records during loading. 2. Record and report the exit specific gravity averaged over the full period of the performance test—NCS. 3. Record the daily average exit specific gravity for each operating day.[e] 4. Report all daily average exit specific gravity values that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
Condenser [h]	Exit (product side) temperature [63.127(b)(2)].	1. Continuous records during loading. 2. Record and report the exit temperature averaged over the full period of the performance test—NCS. 3. Record the daily average exit temperature for each operating day.[e] 4. Report all daily average exit temperatures that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
Carbon adsorber [h]	Total regeneration stream mass or volumetric or volumetric flow during carbon bed regeneration cycle(s) [63.127(b)(3)], and.	1. Record of total regeneration stream mass or volumetric flow for each carbon bed regeneration cycle. 2. Record and report the total regeneration stream mass or volumetric flow during each carbon bed regeneration cycle during the period of the performance test—NCS. 3. Report all carbon bed regeneration cycles when the total regeneration stream mass or volumetric flow is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
	Temperature of the carbon bed after regeneration [and within 15 minutes of completing any cooling cycle(s)] [63.127(b)(3)].	1. Records of the temperature of the carbon bed after each regeneration. 2. Record and report the temperature of the carbon bed after each regeneration during the period of the performance test—NCS. 3. Report all the carbon bed regeneration cycles during which the temperature of the carbon bed after regeneration is outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected [f]—PR.
All recovery devices (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device [63.127(b)].	1. Continuous records during loading. 2. Record and report the concentration level or reading averaged over the full period of the performance test—NCS. 3. Record the daily average concentration level or reading for each operating day.[d]

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME—Continued

Control device	Parameters to be monitored[a]	Recordkeeping and reporting requirements for monitored parameters
All control devices and vapor balancing systems.		4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected[f]—PR.
	Presence of flow diverted to the atmosphere from the control device [63.127(d)(1)] or.	1. Hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during each hour. 2. Record and report the duration of all periods when the vent stream is diverted through a bypass line or the monitor is not operating—PR.
	Monthly inspections of sealed valves [63.127(d)(2)].	1. Records that monthly inspections were performed. 2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed.

[a] Regulatory citations are listed in brackets.
[b] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[c] ''Continuous records'' is defined in § 63.111 of this subpart.
[d] NCS = Notification of Compliance Status described in § 63.152 of this subpart.
[e] The daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.
[f] The periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in § 63.152(c)(2)(ii)(A) of this subpart.
[g] PR = Periodic Reports described in § 63.152 of this subpart.
[h] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under ''All Recovery Devices.''

16. Section 63.160 is amended by revising paragraph (a) to read as follows:

§ 63.160 Applicability and designation of source.

(a) The provisions of this subpart apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63 that references this subpart.

* * * * *

§ 63.163 [Amended]

17. Paragraph (b)(1) of § 63.163 is amended by revising the reference to ''(e) through (i) of this section'' to read ''(e) through (j) of this section.''

§ 63.164 [Amended]

18. Paragraph (h) of § 63.164 is amended by revising the reference to ''(a) through (f) of this section'' to read ''(a) through (g) of this section.''

§ 63.173 [Amended]

19. In § 63.173, paragraph (j) introductory text is amended by revising the reference to '' (b) through (d) of this section'' to read '' (a) through (d) of this section.''

20. Section 63.181 is amended by revising paragraph (b)(7) introductory text and revising paragraph (g)(3) introductory text to read as follows:

§ 63.181 Recordkeeping requirements.

* * * * *

(b) * * *

(7) The following information pertaining to all pumps subject to the provisions of § 63.163(j), valves subject to the provisions of § 63.168(h) and (i) of this subpart, agitators subject to the provisions of § 63.173(h) through (j), and connectors subject to the provisions of § 63.174(f) and (g) of this subpart shall be recorded:

* * * * *

(g) * * *

(3) Records of inspections of closed-vent systems subject to the provisions of § 63.172 of this subpart, as specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

* * * * *

[FR Doc. 99–10099 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400141; FRL–6075–3]

Revised Policy for Amending Form R and Form A Submissions; Toxic Chemical Release Inventory Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: EPA is making a minor administrative change to the Agency's management of data submitted each year to EPA under the Toxic Release Inventory (TRI) reporting program pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA) of 1990. Specifically, EPA is revising the period during which the Agency will accept voluntary revisions to Form R and Form A submissions each year for inclusion in the annual data release for that year. Facilities must now submit voluntary revisions to their Form R and Form A submissions to EPA within 30 days of the reporting deadline each year. The statutory annual reporting deadline is July 1. Therefore, revisions received after July 31 of each year, will not be included in the annual release of the TRI data for that year. EPA

will, however, continue to accept these revisions for inclusion in the TRI data base. This administrative change in the annual revisions deadline is necessary to ensure that the data can be set, or locked by a date certain, thereby allowing the Agency to complete the preparation of the annual release of the TRI data in a timely fashion.

DATES: The amended revision period is effective April 26, 1999.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Tim Crawford, Acting Branch Chief, TRI-Information Management Branch, OPPT-IMD, MC 7407, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–1558, fax: (202) 260–4655, e-mail: crawford.tim@epamail.epa.gov. For more information on section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), contact the EPCRA Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, toll free telephone number: 1–800–535–0202, in Virginia and in Alaska: 703–412–9877 or call toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use any of the chemicals subject to reporting under EPCRA section 313. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities (SIC codes)
Industry	Manufacturing (SIC codes 20-39); metal mining (SIC 10 except SIC codes 1011, 1081, and 1094); coal mining (SIC code 12 except SIC code 1241); electric utilities (SIC codes 4911, 4931, 4939); commercial hazardous waste treatment (SIC code 4953); chemicals and allied products-wholesale (SIC code 5169); petroleum bulk terminals and plants (SIC code 5171); and solvent recovery services (SIC code 7389).
Federal Government	Federal facilities that manufacture, process, or otherwise use EPCRA section 313 toxic chemicals.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. If available, the four-digit Standard Industrial Classification (SIC) codes have been provided to assist you and others in determining whether or not this notice applies to certain entities. Other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 372, subpart B. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding ''FOR FURTHER INFORMATION CONTACT'' section.

II. How Can I Get Additional Information or Copies of this or Other Documents?

1. *Electronically.* You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''Federal Register - Environmental Documents.'' You can also go directly to the ''Federal Register'' listings at http://www.epa.gov/homepage/fedrgstr/.

2. *In person or by phone.* If you have any questions or need additional information about this action, you may contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section.

III. What is the Agency's Authority for this Action?

This action is related to section 313 of EPCRA, 42 U.S.C. 11023, and section 6607 of the PPA, 42 U.S.C. 13106, which require certain facilities manufacturing, processing, or otherwise using a listed toxic chemical in amounts above reporting threshold levels, to report their environmental releases of and other waste management activities associated with each chemical annually. These reports must be filed with EPA by July 1 of each year, and must contain the requested data for the previous calendar year.

Section 313 of EPCRA does not include any provision for correcting or otherwise revising TRI forms once they have been submitted to EPA. While not required by statute, EPA has allowed facilities an opportunity to make revisions to foster compliance and enhance data quality. In the past, EPA has set a deadline for receipt of revisions to be included in the next annual data release keyed to the time it takes the Agency to prepare the data release package and the release date for the package. Accordingly, in the **Federal Register** of September 26, 1991 (56 FR 48795), EPA announced that the deadline for voluntary revisions would be November 30, based on improvements in the amount of time it took to process revisions for inclusion in the annual data release. In a second announcement on August 12, 1994 (59 FR 41444) (FRL–4906–5), EPA announced that the deadline would be moved back to October 15 in the interests of further expediting the annual release date of the data. This action further amends the deadline for accepting revisions. Only the deadline provisions of the September 26, 1991 and August 12, 1994 notices are affected by this action.

IV. What Action is EPA Taking in this Policy Statement?

EPA is amending its policy with regard to the period during which revisions to the Forms submitted under EPCRA section 313 would be incorporated into the annual data release for that reporting year. Accordingly, facilities must now submit voluntary revisions to their Form R and Form A submissions to EPA within 30 days of the reporting deadline each year in order for those revisions to be

included in that years' data release. The statutory reporting deadline is July 1 of each year, unless specifically amended by the Agency, so all Form revisions must be received by EPA no later than July 31 of each year. If EPA were to extend the reporting deadline in any one year, then the Form revisions for that year must be received by EPA no later than 30 days after the amended reporting deadline. Revisions received after this date will not be included in the annual release of the TRI data for that reporting year, but will continue to be accepted for inclusion in the TRI data base at some later date.

V. Why is EPA Revising the Revisions Period?

While not required by statute, EPA has provided this revisions period as an opportunity to increase compliance and enhance data quality. Given EPA's experience in collecting information submitted under EPCRA section 313 since 1988, EPA does not believe the revisions period provided in 1994 continues to be appropriate. Instead, experience gained by EPA has resulted in a much more efficient data receipt and management process enabling EPA to make those data publicly available in a much shorter period of time. Hence, to promote a schedule of making EPCRA section 313 data available in a more timely fashion, EPA must reduce the period of time that it will accept revisions in order to ensure that those revised data will be considered for that year's data release. The new revisions period reflects: (1) The increased use of electronic submittals to EPA of TRI data; (2) EPA's continuing improvement in the ability to process and release TRI data earlier due to increased efficiencies in data management that have been put in place since the August 1994 Notice was published; and (3) the Agency's desire to make this right-to-know data available to the public as soon as feasible.

The administrative change in the annual revisions deadline is necessary to ensure that the data can be set, or locked by a date certain, thereby allowing the Agency to complete the preparation of the annual release of the TRI data in a timely fashion. This new revisions deadline is further warranted by the fact that 83% of all revisions received during the 1997 production period (July 1 to December 31, 1998) were already received by July 31--the new revisions deadline announced in this policy and now in effect.

VI. Can I Still Correct the Form R or Form A Which I Submitted to EPA After the Revisions Period?

Yes. As indicated previously, this revised policy only changes the date by which any voluntary revisions will be considered by the Agency for inclusion in the annual data release for that reporting year.

VII. Why Is EPA Amending this Policy Without Taking Comments?

EPA is publishing this action as a final policy without prior notice and opportunity to comment, because this policy is not a ''rule'' as defined by the Administrative Procedure Act (5 U.S.C. 551 *et seq*). This policy merely articulates internal procedural requirements that are necessary for the Agency's management and timely release of the submitted TRI data. The period established in this action is an internal Agency deadline by which EPA will consider the data submitted each year in Form R and Form A to be in final form for purposes of preparing the annual data release. Facilities are required by statute and regulations to use the best available information in preparing the data reported in their Form R or Form A, and are required to submit the data to EPA by the reporting deadline each year. The period established in this policy for voluntary revisions does not in any way change the facility's statutory obligations under EPCRA section 313, as implemented by 40 CFR part 372. It merely provides an opportunity for facilities to make voluntary revisions to correct the data they have submitted in time for the Agency to reflect the revision in the annual data release. In essence, it merely establishes a set time frame for the Agency to begin the preparation of the data submitted each year for the annual data release. In the future, EPA may determine that this revisions period should be further amended or not provided at all, and will amend this policy without prior notice. However, EPA will announce in the **Federal Register** any decision to eliminate or modify this revisions period.

VIII. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This action merely describes an internal Agency deadline by which it will consider the data submitted each year in Form R and Form A to be in final form for purposes of preparing the annual data release. This action is not a ''rule'' and does not impose any new requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

IX. Must EPA Submit this Action to Congress and the Comptroller General?

No. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: April 9, 1999.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 99–10388 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Part 1509 and 1552

[FRL–631–3]

Acquisition Regulation: Contractor Performance Evaluations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (48 CFR Chapter 15) to revise its policy and procedures regarding the evaluation of contractor performance on EPA contracts and to establish an EPA Acquisition Regulation clause to be used in solicitations and contracts with an estimated dollar value in excess of $100,000. This final rule applies to all large and small entities who perform or are interested in performing under EPA contracts.

DATES: This rule is effective on May 26, 1999.

FOR FURTHER INFORMATION CONTACT: Frances Smith, U.S. Environmental Protection Agency, Office of Acquisition Management, (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: (202) 564–4368.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule implements the Office of Federal Procurement Policy Policy Letter 92–5, Past Performance Information. The Office of Federal Procurement Policy Policy Letter requires Federal agencies to evaluate contractor performance on contracts over $100,000, to use past performance information in making responsibility determinations in both sealed bid and competitively negotiated procurements, and to specify past performance as an evaluation factor in solicitations for competitively negotiated contracts expected to exceed $100,000.

The comment period for the proposed rule extended from September 16, 1998, to November 16, 1998. The Agency received a total of 33 comments and has reviewed them all. A detailed Summary and Analysis of Comments document detailing the comments and the responses regarding the proposed rule is available in the docket for this rule by contacting Frances Smith at (202) 564–4368 (E-mail: smith.frances@epamail.epa.gov).

The Agency has made minor changes to the proposed rule as a result of the comments received. This final rule reflects the following changes: (1) Deleted the word ''rare'' under each rationale for the numerical rating score of 5; (2) Added a statement in the Contractor Performance Report Instructions to include the following under number 10.: Identify the title of the contract and the dollar amount managed under the period for review; (3) Revised the definition for Summary Ratings in the Contractor Performance Report Instructions to coincide with the definition in the rule at 1509.170–4(e) as follows: Summary ratings refer to the ratings determined by one level above the contracting officer regarding disagreements between the contractor and the contracting officer. Summary ratings reflect the Agency's ultimate conclusion for the performance period being evaluated; (4) Revisions made throughout the rule to include ''business days'' in lieu of ''calendar days''; (5) Revisions made to 1509.170–5, Policy and 1552.209–76, Contractor Performance Evaluations to reflect that past performance evaluations are to be completed after each 12 months of contract performance; and (6) Deleted paragraphs (c) and (d) of 1509.170–7, Release of Ratings and replaced paragraph (c) with the following: Freedom of Information Act requests shall be processed by the EPA Freedom of Information Act office where the contract is located. Requests for past performance evaluations during the period the information may be used to provide source selection information shall be rejected if the requests are made by other than Government personnel and the contractor whose performance is being evaluated.

B. Executive Order 12866

The final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review was required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB). The word ''not'' was inadvertently omitted in the proposed rule to indicate that this rule is not a significant regulatory action. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) applies to this final rule, and the information collection request in this final rule has been evaluated by the Office of Management and Budget. The Office of Information and Regulatory Affairs within the Office of Management and Budget has issued OMB Clearance No. 9000–0142 for the collection of contractor performance information. Comments regarding Paperwork Reduction Act concerns should be sent to the Office of Management and Budget (Attn: EPA Desk Officer). The Office of Management and Budget is required to make a decision concerning the collection of information contained in the final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to the Office of Management and Budget is best assured of having its full effect if the Office of Management and Budget receives it within 30 days of publication.

D. Regulatory Flexibility Act

The EPA certifies that this final rule does not exert a significant economic impact on a substantial number of small entities.

This final rule formalizes EPA's contractor performance evaluation process, as an expansion of the government-wide requirements already established in the Federal Acquisition Regulation, 48 CFR 42.15. The final rule explains that EPA contracting officers will be recording the evaluations on simple and easy-to-understand report forms generated by the National Institutes of Health's Contractor Performance System. Likewise, the evaluation rating system that the contracting officers will be using is based on straightforward numerical scores with a narrative explanation to be provided by the contracting officers. An adverse economic impact upon a contractor (i.e., in the form of less future Federal business) as a result of a rating assessed by an EPA contracting officer would be attributable to the contractor's past performance itself, not to the rating system prescribed herein.

Further, the final rule requires no reporting or record-keeping by contractors. Rather, the final rule provides contractors with a formal opportunity, generally one time a year per contract, to review and comment on their specific performance evaluations as conducted by the cognizant EPA contracting officers. EPA estimates that the contractor's review and comment process will require a minimal amount of time to complete; therefore, to the extent that this does result in some contractor-incurred costs, EPA anticipates that these will be de minimus. In any event, any reasonable costs incurred by the contractor in connection with the process will be allowable and allocable to the contract under evaluation and thereby borne by EPA.

E. The National Technology Transfer and Advancement Act

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through the Office of Management and Budget, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

F. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities because this rule pertains to contractors who have been awarded EPA contracts. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

G. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statue, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments because this rule pertains to contractors who have been awarded EPA contracts. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or the private sector in one year. The rule is not subject to the requirements of sections 202 and 205 of the UMRA.

I. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety.

J. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804 (2).

List of Subjects in 48 CFR Parts 1509 and 1552

Environmental protection, Government procurement.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

1. The authority citation for Parts 1509 and 1552 continues to read as follows:

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended.

2. Section 1509.170–1 is amended by adding the following after the first sentence:

1509.170–1 Scope of subpart.

* * * Contracting officers shall insert the contract clause at 1552.209–76 in all solicitations and contracts with an estimated dollar value in excess of $100,000. For acquisitions involving options, the total estimated value of the acquisition shall include the estimated base amount plus the option(s) amount(s).

3. Sections 1509.170–2, 1509.170–3, and 1509.170–4 are revised to read as follows:

1509.170–2 Purpose.

This subpart provides guidance to program and contracting personnel regarding the evaluation of contractor performance. It establishes a uniform method for determining and recording the effectiveness of contractors in meeting contractual obligations. Additionally, this subpart details a systematic approach for identifying and maintaining records of contractors' performance histories.

1509.170–3 Applicability.

(a) This subpart applies to all EPA acquisitions in excess of $100,000, except for construction acquisitions, architect-engineer acquisitions, acquisitions awarded under the Federal Acquisition Regulation (FAR) Subpart 8.6, Acquisitions from Federal Prison Industries, Incorporated, FAR Subpart 8.7, Acquisitions from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled, and FAR 13.5, Test Program for Certain Commercial Items. FAR 36.201 and 36.604 provide detailed instructions for construction and architect-engineer contractor performance evaluations.

(b) The acquisition of commercial items in accordance with FAR 13.106 is not applicable to this subpart because simplified acquisition procedures do not require the creation or existence of a formal database for past performance evaluations. In cases where simplified acquisition procedures are not used to acquire commercial items (see FAR 12.203), this subpart is applicable to acquiring commercial items in excess of $100,000.

(c) EPA Form 1900–26, Contracting Officer's Evaluation of Contractor Performance, and EPA Form 1900–27, Project Officer's Evaluation of Contractor Performance, shall apply to all performance evaluations completed prior to the effective date of this subpart. However, on the effective date of this rule, EPA Forms 1900–26 and 1900–27 are obsolete, and contracting officers shall complete all contractor performance evaluations by use of the National Institutes of Health's Contractor Performance System.

1509.170–4 Definitions.

(a) *Contractor Performance Report* is an evaluation of a contractor's performance for a specified period of time.

(b) *Interim Report* refers to a Contractor Performance Report that covers each 12 month period after contract award.

(c) *Final Report* refers to a Contractor Performance Report that covers the last 12 months (or less) of contract performance.

(d) *Ratings* refer to the numerical scores for each performance category. Ratings are defined as follows: 0 = unsatisfactory, 1 = poor, 2 = fair, 3 = good, 4 = excellent, and 5 = outstanding.

(e) *Summary ratings* refer to the ratings determined by one level above the contracting officer regarding disagreements between the contractor and the contracting officer. Summary ratings reflect the Agency's ultimate conclusion for the performance period being evaluated.

(f) *Performance Categories* refer to the measures used to evaluate a contractor's performance. Performance categories are defined as quality, cost control, timeliness of performance, and business relations.

4. Section 1509.170 is also amended by adding 1509.170–5, 1509.170–6, 1509.170–7, and 1509.170–8 to read as follows:

1509.170–5 Policy.

(a) Contracting officers are responsible for the timely completion of contractors' performance evaluations. The National Institutes of Health Contractor Performance System shall be used to record individual contractor performance histories on EPA contracts and to obtain contractor past performance information for use in EPA's source selection process.

(b) Contracting officers are required to use the National Institutes of Health Contractor Performance System to record evaluations for all contract performance periods expiring after the effective date of this subpart.

(c) Contractor evaluation information shall be recorded in Contractor Performance Reports (Report) which are generated by the National Institutes of Health system. Reports shall cover individual contractor evaluations at the contract level, which includes all work assignments, task orders, or delivery orders associated with the 12 month period being evaluated (interim Report) or the last 12 months (or less) of contract performance (final Report).

(d) The contracting officer must complete interim Reports covering each 12 month period after contract award for all contracts in excess of $100,000, except those acquisitions identified in 1509.170–3, Applicability. In addition to interim Reports, the contracting officer must complete a final Report which covers the last 12 months (or less) of contract performance.

(e) The contracting officer shall initiate the process for completing interim Reports within five (5) business days after the end of each 12 months of contract performance. The contracting officer shall initiate the process for completing a final Report within five (5) business days after the end of the last 12 months (or less) of contract performance. Final Reports must be completed prior to contract closeout.

(f) The contracting officer must complete interim and final Reports, including the project officer's evaluation of contractor performance, receipt of any contractor input, and resolution of summary ratings (if any) within 90 business days from the date the contracting officer initiates the evaluation.

(g) Reports shall be used to inform other agencies and departments (upon request) about a contractor's performance on an EPA contract, and to assist the contracting officer and the Technical Evaluation Panel with evaluating past performance for future EPA acquisitions.

(h) When evaluating proposals, contracting officers shall use the National Institutes of Health system to access Reports from other agencies or departments that are available in the National Institutes of Health database. Contracting Officers may need to access past performance information from other than the National Institutes of Health system if the National Institutes of Health system does not include applicable information.

(i) In accordance with FAR 42.1503(b), the ultimate conclusion on the performance evaluation is the decision of the Agency. The contracting officer must ensure the accuracy of ratings for each performance category by verifying that information in the contract file corresponds with the project officer's designated ratings. A contractor's performance evaluation should closely parallel award fee determinations made under the contract.

(j) In cases of novations involving successors-in-interest, a final evaluation of the predecessor contractor must be completed within five (5) business days after the end of the predecessor contractor's performance, and an interim evaluation of the successor contractor must be completed within five (5) business days after the end of each 12 months of contract performance after the successor began performing. In cases of change-of-name agreements, the system shall be changed to reflect the new contractor's name.

(k) Contracting officers must inform the Office of Debarment and Suspension of any repetitive unsatisfactory or poor (a score of 0 or 1) ratings encountered by the contractor.

1509.170–6 Filing of forms.

The original copy of completed Contractor Performance Reports (interim and final) shall be filed in each individual contractor's official contract file. The National Institutes of Health Contractor Performance System will retain all reports for three (3) years after contract completion.

1509.170–7 Release of ratings.

(a) Agencies and departments who subscribe to the National Institutes of Health's Contractor Performance System will have direct access to all Reports, including those of EPA, in the National Institutes of Health's database. Information on EPA contractors' performance ratings may also be obtained by contacting the EPA contracting officer responsible for the evaluation.

(b) Contractors' performance ratings may be released to other Federal, State, and local Governments upon written request. The release to other Federal, State, and local Governments must stipulate that the information provided shall not be released outside of the requesting Government agency. In cases where the Federal agency is part of the National Institutes of Health Contract Performance System, a written request is not applicable.

(c) Freedom of Information Act requests shall be processed by the EPA Freedom of Information Act office where the contract is located. Requests for past performance evaluations during the period the information may be used to provide source selection information shall be rejected if the requests are made by other than the Government personnel and the contractor whose performance is being evaluated.

1509.170–8 Contractor Performance Report.

(a) Contractor Performance Reports (interim and final) must be prepared electronically by use of the National Institutes of Health's Contractor Performance System. Hard copy preparation of Reports shall not be used unless specifically instructed by the National Institutes of Health. The National Institutes of Health will provide EPA's Office of Acquisition Management Internal Oversight Service Center with specific instructions if hard copy use becomes necessary.

(b) A copy of the National Institutes of Health Contractor Performance Report (including instructions) shall be included in each solicitation and contract with an estimated value in excess of $100,000.

5. Section 1552.2 is amended by adding 1552.209–76 as follows:

1552.209–76 Contractor performance evaluations.

As prescribed in section 1509.170–1, insert the following clause in all applicable solicitations and contracts.

Contractor Performance Evaluations

(MAY 1999)

The contracting officer shall complete a Contractor Performance Report (Report) within ninety (90) business days after the end of each 12 months of contract performance (interim Report) or after the last 12 months (or less) of contract performance (final Report) in accordance with EPAAR 1509.170–5. The contractor shall be evaluated based on the following ratings and performance categories:

Ratings: 0 = unsatisfactory, 1 = poor, 2 = fair, 3 = good, 4 = excellent, 5 = outstanding.

Performance Categories:

Quality: Compliance with contract requirements; accuracy of reports; effectiveness of personnel; and technical excellence.

Rating

0—Contractor is not in compliance and is jeopardizing achievement of contract objectives
1—Major problems have been encountered
2—Some problems have been encountered
3—Minor inefficiencies/errors have been identified
4—Contractor is in compliance with contract requirements and/or delivers quality products/services
5—The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those circumstances when contractor performance clearly exceeds the performance level described as ''Excellent.''

Cost Control: Record of forecasting and controlling target costs; current, accurate and complete billings; relationship of negotiated costs to actuals; cost efficiencies.

Rating

0—Contractor is unable to manage costs effectively
1—Contractor is having major difficulty managing costs effectively
2—Contractor is having some problems managing costs effectively
3—Contractor is usually effective in managing costs
4—Contractor is effective in managing costs and submits current, accurate, and complete billings
5—The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those circumstances when contractor performance clearly exceeds the performance level described as ''Excellent.''

Timeliness of Performance: Met interim milestones; reliability; responsive to technical direction; completed on time, including wrap-up and contract administration; met delivery schedules; no liquidated damages assessed.

Rating

0—Contractor delays are jeopardizing performance of contract objectives
1—Contractor is having major difficulty meeting milestones and delivery schedule
2—Contractor is having some problems meeting milestones and delivery schedule
3—Contractor is usually effective in meeting milestones and delivery schedule
4—Contractor is effective in meeting milestones and delivery schedule
5—The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those circumstances when contractor performance clearly exceeds the performance level described as ''Excellent.''

Business Relations: Effective management, including subcontracts; reasonable/cooperative behavior; responsive to contract requirements; notification of problems; flexibility; pro-active versus reactive; effective small/small disadvantage business subcontracting program.

Rating

0—Response to inquiries, technical/service/administrative issues is not effective
1—Response to inquiries, technical/service/administrative issues is marginally effective
2—Response to inquiries, technical/service/administrative issues is somewhat effective
3—Response to inquiries, technical/service/administrative issues is usually effective
4—Response to inquiries, technical/service/administrative issues is effective
5—The contractor has demonstrated an outstanding performance level that justifies adding a point to the score. It is expected that this rating will be used in those circumstances when contractor performance clearly exceeds the performance level described as ''Excellent.''

(a) The contracting officer shall initiate the process for completing interim Reports within five (5) business days after the end of each 12 months of contract performance by requesting the project officer to evaluate contractor performance for the interim Report. In addition, the contracting officer shall initiate the process for completing final Reports within five (5) business days after the last 12 months (or less) of contract performance by requesting the project officer to evaluate contractor performance for the final Report. The final Report shall cover the last 12 months (or less) of contract performance. Within thirty (30) business days after the project officer receives a request from the contracting officer to complete an evaluation, the project officer shall:

(1) Complete a description of the contract requirements;

(2) Evaluate contractor performance and assign a rating for quality, cost control, and timeliness of performance categories (including a narrative for each rating);

(3) Provide any information regarding subcontracts, key personnel, and customer satisfaction;

(4) Assign a recommended rating for the business relations performance category (including a narrative for the rating); and

(5) Provide additional information appropriate for the evaluation or future evaluations.

(b) The contracting officer shall:

(1) Ensure the accuracy of the project officer's evaluation by verifying that the information in the contract file corresponds with the designated project officer's ratings;

(2) Assign a rating for the business relations performance category (including a narrative for the rating);

(3) Concur with or revise the project officer's ratings after consultation with the project officer;

(4) Provide any additional information concerning the quality, cost control, and timeliness of performance categories if deemed appropriate for the evaluation or future evaluations (if any), and provide any information regarding subcontracts, key personnel, and customer satisfaction; and

(5) Forward the Report to the contractor within ten (10) business days after the contracting officer receives the project officer's evaluation.

(c) The contractor shall be granted thirty (30) business days from the date of the contractor's receipt of the Report to review and provide a response to the contracting officer regarding the contents of the Report. The contractor shall:

(1) Review the Report;

(2) Provide a response (if any) to the contracting officer on company letter head or electronically;

(3) Complete contractor representation information; and

(4) Forward the Report to the contracting officer within the designated thirty (30) business days.

(d) The contractor's response to the Report may include written comments, rebuttals (disagreements), or additional information. If the contractor does not respond to the Report within the designated thirty (30) business days, the specified ratings in the Report are deemed appropriate for the evaluation period. In this instance, the contracting officer shall complete the Agency review and sign the Report within three (3) business days after expiration of the specified 30 business days.

(e) If the contractor submits comments, rebuttals (disagreements), or additional information to the contracting officer which contests the ratings, the contracting officer, in consultation with the project officer, shall initially try to resolve the disagreement(s) with the contractor.

(f) If the disagreement(s) is (are) not resolved between the contractor and the contracting officer, the contracting officer shall provide a written recommendation to one level above the contracting officer for resolution as promptly as possible, but no later than five (5) business days after the contracting officer is made aware that the disagreement(s) has (have) not been resolved with the contractor. The individual who is one level above the contracting officer shall:

(1) Review the contracting officer's written recommendation; and

(2) Provide a written determination to the contracting officer for summary ratings (ultimate conclusion for ratings pertaining to the performance period being evaluated) within five (5) business days after the individual one level above the contracting officer receives the contracting officer's written recommendation.

(g) If the disagreement is resolved, the contracting officer shall complete the Agency review and sign the Report within three (3) business days after consultation.

(h) The contracting officer shall complete the Agency review and sign the Report within three (3) business days after the contracting officer receives a written determination for summary ratings from one level above the contracting officer.

(i) An interim or final Report is considered completed after the contracting officer signs the Report. The contracting officer must provide a copy of completed Reports (interim and final) to the contractor within two (2) business days after completion.

Note: Appendix to Preamble will not appear in the Code of Federal Regulations:

BILLING CODE 6560–50–P

APPENDIX TO PREAMBLE
COPY OF THE NIH CONTRACTOR PERFORMANCE REPORT

National Institutes of Health
CONTRACTOR PERFORMANCE REPORT

FINAL REPORT _____ INTERIM REPORT _____ *(Check one)*

REPORTING PERIOD: *(from)* *(to)*

CONTRACTING OFFICE *(Location):*

CONTRACT NUMBER: **TASK NO:**

CONTRACTOR NAME:
ADDRESS:
CITY: **STATE:** **ZIP CODE:**

CONTRACT AWARD DATE:
CONTRACT EXPIRATION DATE:

CONTRACT VALUE: $

TIN:
SIC:
CONTRACT TYPE:

DESCRIPTION OF REQUIREMENT *(Title and dollar amount managed under the period for review)*:

RATINGS

Summarize contractor performance and *circle* **the number which corresponds to the rating for each rating category.** *(See attached Rating Guidelines) At this time comments are limited to 2000 characters.*

QUALITY OF PRODUCT OR SERVICE Rating: 0 1 2 3 4 5
Comments:

COST CONTROL **Rating: 0 1 2 3 4 5**
Comments:

TIMELINESS OF PERFORMANCE **Rating: 0 1 2 3 4 5**
Comments:

BUSINESS RELATIONS **Rating: 0 1 2 3 4 5**
Comments:

SUBCONTRACTS

Are subcontracts involved? Yes No *(Circle one)*
Comments (*Please comment on those subcontractors that have provided a significant contribution to overall contract performance.)*

KEY PERSONNEL

PROJECT MANAGER/PRINCIPAL INVESTIGATOR *(name)*:
Comments:

KEY PERSON *(name)*:
Comments:

KEY PERSON *(name)*:
Comments:

CUSTOMER SATISFACTION

Is/was the contractor committed to customer satisfaction? Yes No *(Circle one)*
If this is the Final Report:
Would you recommend selection of this firm again? Yes No *(Circle one)*
Comments:

PROJECT OFFICER *(name)*:
SIGNATURE:_____
Phone: **FAX:**
Internet Address:
Date:

CONTRACTING OFFICER CONCURRENCE:*(Initial)* _____
Date:

CONTRACTOR'S REPRESENTATIVE *(name)*:
Phone: **FAX:**
Internet Address:
SIGNATURE:_____

SUMMARY RATINGS:

QUALITY: _____ **COST CONTROL:** _____

TIMELINESS OF PERFORMANCE: _____ **BUSINESS RELATIONS:** _____

CONTRACTING OFFICER *(name)*:
SIGNATURE: _____

Phone: **FAX:**
Internet Address:
Date:

CONTRACTOR'S REVIEW:

Were comments, rebuttal, or additional information provided? Yes No *(Circle one)*
(If yes: They are:
On file in: _____ _____
(Location) *(Phone))*
Attached ____ *(Check if attached)*

AGENCY REVIEW:

Were contractor comments reviewed at a level above the contracting officer?
Yes No *(Circle one)*
(If yes: They are:
On file in: _____ _____
(Location) *(Phone))*
Attached _____ *(Check if attached)*

BILLING CODE 6560–50–C

Contractor Performance Report Instructions

Top Section

1. Check the appropriate block to indicate the type of report (Interim, Final).

2. Indicate the period covered by the report.

3. List the name of the contracting officer and the location of the contracting office.

4. Identify the contract number of the contract being evaluated. Enter Task No. if applicable.

5. List the name and address of the contractor.

6. Enter TIN and SIC.

7. Enter Type of Contract (A—Fixed price re-determination; J—Firm fixed price; K—Fixed price with economic price adjustment; L—Fixed price incentive; R—Cost plus award fee; S—Cost no fee; T—Cost sharing; U—Cost plus fixed fee; V—Cost plus incentive fee; Y—Time and materials; Z—Labor hours).

8. Indicate the contract award date and contract expiration date.

9. State the contract value, including any option amounts.

10. Provide a brief description of the work being performed under the contract (the title of the contract and the dollar amount managed under the period for review).

Ratings

Using the rating guideline, assign each area a rating of 0 (unsatisfactory), 1 (poor), 2 (fair), 3 (good), 4 (excellent), or 5 (outstanding). Provide a brief narrative (2000 characters or less) for each of the categories to support the rating assigned. The categories are: quality of product or service, cost control, timeliness of performance, and business relations.

Subcontractors

Indicate whether subcontracts are/were involved. Briefly summarize (2000 characters or less) the performance of any subcontractors that have major responsibilities under the contract or are required to perform a significant part of the contract requirement. This space may also be used to evaluate a prime contractor's management of a subcontractor.

Key Personnel

List the name of the project manager/principal investigator (required) and the names of two other key personnel (optional). Briefly describe the performance of the key personnel listed. (2000 characters or less)

Customer Satisfaction

Circle the appropriate answer to indicate whether the contractor was committed to customer satisfaction. For the final report, indicate whether you would recommend selection of the firm again.

Project Officer Signature

The project officer signs this block.

Contracting Officer Concurrence

The contracting officer initials this block, indicating concurrence with the initial rating.

Contractor's Representative

The contractor signs this next block, indicating review of the rating.

Summary Ratings

Summary ratings refer to the ratings determined by one level above the contracting officer regarding disagreements between the contractor and the contracting officer. Summary ratings reflect the Agency's ultimate conclusion for the performance period being evaluated.

Contracting Officer Signature

The contracting officer signs the report when all actions are completed. If changes were made to the ratings or the narrative during the rebuttal process, a copy of the report, as revised, shall be promptly furnished to the contractor.

Contractor's Review

Indicate whether the contractor submitted a rebuttal or comments. Attach a copy of the contractor's rebuttal to this report, or indicate its location, if filed separately.

Agency Review

If the contracting officer and the contractor are unable to agree on a final rating, the matter is to be referred to an individual one level above the contracting officer. Attach a copy of the agency's decision to this report, or indicate its location, if filed separately.

Dated: March 19, 1999.

Betty L. Bailey,

Director, Office of Acquisition Management.

[FR Doc. 99–10096 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket No. NHTSA–98–3381, Notice 3]

RIN 2127–AG53

Consumer Information Regulations; Utility Vehicle Label

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Clarification of compliance date.

SUMMARY: This document relates to a final rule that amended the rollover warning currently required for small and mid-sized utility vehicles, to require a new label that uses graphics, bright colors, and short bulleted text messages. The final rule also required the inclusion in the owners' manuals of these vehicles of additional information related to rollover risks. The effective date for the final rule is September 1, 1999. The mandatory compliance date for the rule (i.e., the date on which manufacturers must begin complying with the amendments) is also September 1, 1999.

We typically include language in our regulations, when appropriate, to permit manufacturers the option of complying with new requirements before the compliance date of those requirements. However, we inadvertently omitted such language from the above-mentioned rulemaking document. Today's document corrects this oversight and announces the date on which it is permissible for manufacturers to begin voluntarily producing warning labels and owner's manuals that comply with the new requirements.

DATES: The effective date of the final rule published March 9, 1999 (64 FR 11724) remains September 1, 1999. The mandatory compliance date of that final rule is also September 1, 1999, however, voluntary compliance with the final rule is allowed as of April 26, 1999.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590:

For labeling issues: Mary Versailles, Office of Planning and Consumer Programs, NPS–31, telephone (202) 366–2057, facsimile (202) 366–4329

For legal issues: Nicole Fradette, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, facsimile (202) 366–3820

SUPPLEMENTARY INFORMATION: On March 9, 1999 (64 FR 11724), we published a final rule amending the rollover warning label and owners' manual requirements for small and midsize utility vehicles (utility vehicles with a wheelbase of 110 inches or less).[1] The rule requires a new label that uses graphics, bright colors, and short bulleted text messages in place of the current, text-only warning label containing a paragraph of information. The rule also requires that additional information related to rollover risks be included in the owners' manuals of these utility vehicles. In addition, the final rule amended the air bag warning label requirements in Standard No. 208, Occupant crash protection, to allow the utility vehicle rollover warning label and the air bag warning label to be placed on the same side of the sun visor. The mandatory compliance date for the rule is September 1, 1999.

In our final rules, we normally discuss the issue of whether vehicles or equipment manufactured before the compliance date for new requirements may comply with those new requirements in lieu of complying with the existing requirements. However, in the rule establishing the upgraded requirements for the rollover warning label and owners' manual information requirements, we inadvertently omitted any discussion of early voluntary compliance. To correct that oversight, this document makes it clear that manufacturers of utility vehicles with a wheelbase of 110 inches or less may comply with the upgraded requirements in advance of the September 1, 1999, mandatory compliance date without violating any other provisions of 49 CFR 575.105, Vehicle rollover, 49 CFR 571.208, Occupant crash protection, or 49 U.S.C. 30101 *et seq.* (formerly the National Traffic and Motor Vehicle Safety Act). Any manufacturer choosing to comply with the new rule before September 1, 1999, must comply with the new rule in its entirety (i.e., they must comply with the new owners' manual information requirements as well as with the new, improved labeling requirements).

We find good cause to make voluntary compliance with the final rule published March 9, 1999 (64 FR 11724) effective upon publication of this document. This document does not impose any additional responsibilities on any vehicle manufacturer. Instead, it corrects an oversight in the rule of March 9, 1999. This document merely clarifies that manufacturers which wish to produce rollover warning labels and owner's manuals that comply with the upgraded requirements of 49 CFR 575.105 and 49 CFR 571.208 before September 1, 1999, may do so.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

Issued on: April 20, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–10318 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–59–P

[1] "Utility vehicles" are defined in 49 CFR Part 575 as multipurpose passenger vehicles (other than those which are passenger car derivatives) with a wheelbase of 110 inches or less and with special features for off-road operation. 49 CFR 575.105. These vehicles (regardless of wheelbase) are commonly referred to as sport utility vehicles in the media.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981221311–9096–02; I.D. 113098C]

RIN 0648-AL21

Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a Final Rule to amend the regulations governing the Western Alaska Community Development Quota (CDQ) Program. This action is necessary to define how halibut CDQ fishing will be managed in 1999 and thereafter and to remove or revise regulations governing groundfish and halibut CDQ fishing to make them consistent with the combination of the management regimes for the fixed gear halibut and sablefish CDQ fisheries, the pollock CDQ fisheries, and the multispecies (MS) groundfish CDQ fisheries starting in fishing year 1999. In addition, this action makes miscellaneous technical and editorial revisions to the groundfish CDQ regulations. This action is intended to further the objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

DATES: Effective May 26, 1999 except that § 679.50 (c)(4)(i) through § 679.50 (c)(4)(iv), is effective April 26, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from National Marine Fisheries Service, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or by calling the Alaska Region, NMFS, at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Management Background and Need for Action

NMFS manages fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) according to the FMP. The North Pacific Fishery Management Council prepared the FMP under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels and implementing the FMP appear at 50 CFR parts 600 and 679. Regulations governing the 1999 halibut fishery were published in the **Federal Register** on March 19, 1999 (64 FR 13519).

The regulatory amendments implemented by this final rule fall into three categories: (1) Those governing vessels used to harvest halibut CDQ and the processors or registered buyers taking deliveries from these vessels; (2) those removing or revising sections of the regulations governing the fixed gear sablefish CDQ fishery; and (3) those executing other miscellaneous technical or editorial revisions to the MS groundfish CDQ regulations.

A proposed rule was published in the **Federal Register** on February 8, 1999 (64 FR 6025). The public comment period on the proposed rule ended on March 10, 1999. See the proposed rule for a more detailed description of the regulatory amendments and the reasons for their implementation. NMFS received no comments on the proposed rule.

Changes From the Proposed Rule

The following changes are made from the regulatory text of the proposed rule:

1. The proposed rule would have exempted all operators of vessels less than 60 ft (18.3m) length overall (loa) while halibut CDQ fishing from the existing requirement to retain all groundfish CDQ species and deliver them to a processor; and, would have exempted managers of shoreside processors taking deliveries of

groundfish caught by catcher vessels less than 60 ft (18.3 m) loa that had been halibut CDQ fishing from the existing requirement to report this groundfish on a CDQ delivery report. In addition, the proposed rule would not have counted groundfish caught by catcher vessels less than 60 ft (18.3 m) loa that had been halibut CDQ fishing against the CDQ group's CDQ allocations.

NMFS proposed the exemption because the cost of complying with these requirements for operators of vessels less than 60 ft (18.3 m) loa and, for managers of shoreside processors, would exceed the benefits that would be gained by tracking what are expected to be small amounts of retained groundfish. In addition, not accruing this incidental catch of groundfish against a CDQ group's CDQ allocation, and instead accruing it against the non-CDQ total allowable catch (TAC) specification, should not reduce the non-CDQ directed fisheries for the incidentally caught species.

NMFS believes that this justification remains valid and the final rule implements the proposed regulations for all groundfish, except sablefish, landed by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing. Under existing regulations, shoreside processors are required to report this groundfish to NMFS on logbooks and weekly production reports and to the State of Alaska on fish tickets. This groundfish catch will accrue against the non-CDQ groundfish TAC limits. Although operators of vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing are not required to retain all groundfish CDQ species under the CDQ regulations, operators must comply with other regulations governing the open access fisheries for the specific species and area that may require retention of groundfish.

This final rule clarifies the accounting of sablefish CDQ caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing. The BSAI fixed gear sablefish TACs are fully allocated to either Individual Fishing Quota (IFQ) or to CDQ fisheries. Therefore, unlike other groundfish caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing, sablefish catch cannot accrue against a non-CDQ TAC. Therefore, proposed § 679.32(f)(3) is revised in the final rule to require that any sablefish CDQ retained while halibut CDQ fishing by vessels of any size (including those less than 60 ft (18.3 m) LOA) be reported by the shoreside processor on a CDQ delivery report.

2. The proposed rule included a new definition for ''halibut CDQ fishing''. A new definition is needed to distinguish between vessels halibut CDQ fishing and vessels groundfish CDQ fishing in order to allow operators of vessels less than 60 ft (18.3 m) while halibut CDQ fishing, managers of shoreside processors taking deliveries from these vessels, and the CDQ representative to account for the groundfish caught by these vessel operators while halibut CDQ fishing in a different manner than that required for operators of vessels less than 60 ft (18.3 m) LOA while groundfish CDQ fishing.

The proposed definition is revised in the final rule to distinguish between halibut CDQ fishing by catcher vessels and by catcher/processors. For both catcher vessels and catcher/processors, the definition is revised to clarify that both retained halibut CDQ and retained halibut IFQ (rather than just retained halibut CDQ) will be considered in determining whether retained halibut represents the largest proportion of the retained catch. This clarification is necessary because vessel operators are allowed to retain halibut IFQ while halibut CDQ fishing, and this retained halibut should be included in the total amount of retained halibut for purposes of determining whether a vessel is halibut CDQ fishing or groundfish CDQ fishing.

For catcher vessels, the definition is also revised to clarify that the determination of whether halibut is the predominant retained species may be made at any time while the vessel is CDQ fishing, not just when the fish are delivered to the processor. This revision is necessary so NMFS Enforcement or the U.S. Coast Guard can determine whether a catcher vessel is halibut CDQ fishing or groundfish CDQ fishing while it is fishing. In addition, the requirement that the round weight equivalent of non-CDQ groundfish not exceed the maximum retainable bycatch (MRB) amounts for these species is applied only to catcher vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing. Catcher vessels equal to or greater than 60 ft (18.3 m) LOA and catcher/processors may not combine CDQ groundfish and non-CDQ groundfish in the same delivery (catcher vessel) or set (catcher/processor), and they must account for all groundfish caught while halibut CDQ fishing against the CDQ group's CDQ allocation for that species. Therefore, it is not necessary or appropriate to apply MRB amounts to these vessels while halibut CDQ fishing.

3. The definition of ''groundfish CDQ fishing'' is amended so that a vessel is either groundfish CDQ fishing or halibut CDQ fishing, but not both at the same time. In addition, NMFS is correcting amendments to this definition that were made in the combined final rule and emergency interim rule that implemented Amendment 45 to the FMP and CDQ program-related requirements of the American Fisheries Act (64 FR 3877, January 26, 1999). NMFS intended to permanently amend the definition of groundfish CDQ fishing in the final rule for Amendment 45. However, because NMFS published a final rule and an emergency interim rule affecting this definition on the same day, the amendment to the definition of groundfish CDQ fishing was implemented under the emergency interim rule and is effective only through July 20, 1999. Furthermore, the groundfish CDQ fishing definition that was effective through December 31, 1998, was suspended rather than removed.

In this final rule, NMFS removes the definition of groundfish CDQ fishing that was suspended under the emergency interim rule because NMFS intended that this definition would be effective only through the end of 1998, and NMFS permanently implements a revised definition of groundfish CDQ fishing. The new definition of groundfish CDQ fishing states that ''groundfish CDQ fishing means fishing by an eligible vessel listed on an approved CDP that results in the catch of any groundfish CDQ species, but that does not meet the definition of halibut CDQ fishing''.

4. In § 679.32, NMFS removes paragraphs (a)(2), (a)(3), and (e), which expired on December 31, 1998. NMFS intended to remove these sections under the final rule and emergency interim rule for Amendment 45 to the FMP and the AFA. However, as discussed earlier, rather than being removed, these sections were suspended under the emergency interim rule. In this final rule, NMFS removes these sections and redesignates § 679.32(g) (regulations governing pollock CDQ fishing under the emergency interim rule) as § 679.32(e). Under the emergency interim rule, new § 679.32(e) will expire on July 20, 1999.

5. NMFS corrects a cross reference error in newly redesignated § 679.7(d)(20) (previously § 679.7(d)(21)). The requirements that apply to scales approved by the State of Alaska are at § 679.28(c) not § 679.28(b).

6. NMFS reinstates § 679.50 paragraphs (c)(4)(i) through (c)(4)(iv), which were inadvertently removed from the regulations under the final rule for Amendment 45 (64 FR 3877, January 26, 1999) due to an error in amendatory instruction number 8. This amendatory instruction should have revised only the

introductory paragraph to paragraph (c)(4) and should not have removed paragraphs (c)(4)(i) through (c)(4)(iv).

Compliance Guide for Small Entities

The Small Business Regulatory Enforcement Fairness Act requires NMFS to prepare a compliance guide that explains how small entities must comply with the regulations implemented in this final rule. Note that this compliance guide addresses only the specific regulatory changes implemented in this final rule and is not a complete description of all CDQ regulations in 50 CFR part 679 that affect these small entities.

The small entities affected by this rule are the six CDQ groups, the approximately 250 fishing vessel owners or operators who harvest halibut CDQ, and the approximately 20 processors or registered buyers who purchase halibut CDQ. See additional discussion of impacts in the Classification section and in the FRFA.

The CDQ group representative must obtain a halibut CDQ permit from NMFS each year. The CDQ group must ensure that a copy of the CDQ permit be onboard each vessel harvesting halibut CDQ on the CDQ groups behalf, and that each vessel operator that lands halibut CDQ on the CDQ group's behalf has a valid CDQ landing card onboard. In addition, the CDQ group representative must report on a CDQ catch report any groundfish CDQ harvested while halibut CDQ fishing with vessels equal to or greater than 60 ft (18.3 m) LOA and any sablefish CDQ retained with vessels of any size.

Individuals harvesting halibut CDQ must fish for halibut CDQ in compliance with the IFQ regulations and land halibut CDQ by or to a registered buyer who is required to submit a landing report under the IFQ regulations.

Halibut CDQ catch by vessels equal to or greater than 60 ft (18.3 m) LOA is not reported on the CDQ delivery report or CDQ catch report unless groundfish CDQ species also are landed. When groundfish CDQ species are landed with halibut CDQ catch by vessels equal to or greater than 60 ft (18.3 m) LOA, the weight of halibut CDQ and any halibut IFQ delivered at the same time and reported to Restricted Access Management (RAM) must also be reported on the CDQ delivery report and CDQ catch report in order to account for all catch in the delivery and to identify halibut CDQ, IFQ, and prohibited species quota (PSQ) separately.

In contrast to groundfish CDQ fishing, under this final rule, operators of catcher vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing are not required to retain all groundfish CDQ species caught and deliver them to a shoreside processor. However, these vessel operators may be required to retain this groundfish under other regulations such as the IFQ program or the Improved Retention/Improved Utilization regulations. Registered buyers taking deliveries from these vessels are not required to have a CDQ observer to monitor deliveries. Except for sablefish CDQ, any groundfish catch retained onboard a catcher vessel less than 60 ft (18.3 m) LOA while halibut CDQ fishing and landed is not required to be reported by the manager of the shoreside processor on the CDQ delivery report and is not subtracted from the CDQ group's CDQ allocations. This groundfish catch accrues against the non-CDQ groundfish TAC limits. The vessel operator, IFQ cardholder, registered buyer, or manager of a shoreside processor, must report any sablefish retained while halibut CDQ fishing as either sablefish IFQ (under the IFQ regulations) or as sablefish CDQ. A shoreside processor must report the sablefish CDQ on a CDQ delivery report.

The catch accounting requirements for operators of catcher vessels equal to or greater than 60 ft (18.3 m) LOA and catcher/processors while groundfish CDQ fishing apply to the operators of these vessels while halibut CDQ fishing. These regulations accrue all groundfish CDQ catch against the CDQ group's groundfish CDQ allocations, and require catcher vessels to carry a CDQ observer, and for catcher/processors to carry two CDQ observers in order to monitor and verify the catch of groundfish CDQ species that accrue to the MS groundfish CDQs. In addition, the Community Development Plan (CDP) must specify which catcher vessels equal to or greater than 60 ft (18.3 m) LOA are going to (1) retain and deliver all groundfish CDQ species to a shoreside processor (Option 1 under § 679.32(c)(2)(ii)(A)), or (2) discard some groundfish CDQ species at sea (Option 2 under § 679.32(c)(2)(ii)(B)), in which case the owner or operator of the catcher vessel must provide an observer sampling station that complies with the requirements of § 679.28(d). The operator of the catcher vessels fishing under Option 2 still must comply with any other regulations that prohibit the discard of certain groundfish species which include, but are not limited to, Improved Retention/Improved Utilization and the IFQ Program, if any IFQ species also are onboard the vessel. Finally, shoreside processors are required to have deliveries by catcher vessels equal to or greater than 60 ft (18.3 m) LOA monitored by a CDQ observer at the shoreside processor.

Classification

The Administrator, Alaska Region, NMFS, (Regional Administrator) determined that this final rule is necessary for the conservation and management of the groundfish and halibut fisheries of the BSAI. The Regional Administrator also determined that this final rule is consistent with the Magnuson-Stevens Act, the Northern Pacific Halibut Act of 1982, and other applicable laws.

The final rule has been determined to be not significant for purposes of E.O. 12866.

The collection-of-information requirements in this rule have been approved by OMB, OMB control number 0648–0269. The public reporting burden for this collection of information is estimated to average 2 hours for the owner of a catcher vessel to submit a request for an observer sampling station inspection and to maintain a copy of the observer sampling station inspection report on the vessel; 15 minutes for the manager of a shoreside processor to print and retain the scale print-out; 2 minutes for the manager of a shoreside processor to notify the CDQ observer prior to the delivery of CDQ catch; 1 hour for the manager of a shoreside processor to complete the CDQ delivery report; and 15 minutes for the CDQ group to complete the CDQ catch report.

Send comments regarding the burden estimates or any other aspect of this collection of information, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: NOAA Desk Officer).

NMFS prepared an FRFA that describes the impact this final rule would have on small entities. A copy of this analysis is available from NMFS (see **ADDRESSES**). The analysis made the following conclusions with respect to impacts on small entities. All of the participants in the halibut CDQ fisheries are small entities, including the approximately 250 fishing vessel owners or operators who harvest halibut CDQ, the approximately 20 registered buyers who purchase halibut CDQ, the six CDQ groups who are allocated halibut CDQ, and the 56 western Alaska communities that are eligible for the CDQ program. All of these small entities incur some economic impact due to an increase in annual compliance costs as a result of recordkeeping and reporting requirements. For example, this final

rule requires the CDQ groups to incur costs associated with obtaining CDQ permits and submitting the CDQ catch reports. It also requires vessel operators and registered buyers to incur costs associated with CDQ landings reports as well as the requirement that owners or operators of vessel equal to or greater than 60 ft (18.3 m) LOA incur costs associated with the requirement to carry a CDQ observer.

NMFS has determined that a regulation has a significant economic impact for the purposes of the Regulatory Flexibility Act (RFA) if it is likely to result in more than a 5–percent decrease in annual gross revenues; annual compliance costs (e.g., annualized capital, operating, reporting) that increase total costs of production by more than 5 percent; compliance costs as a percent of sales that are 10 or more percent higher for small entities than compliance costs for large entities; capital costs of compliance that represent a significant portion of capital available to small entities, considering internal cash flow and external financing capabilities; or is likely to result in 2 or more percent of the small entities affected being forced to cease business operations.

NMFS believes that this action will not reach these thresholds. However, the agency does not currently have sufficient information about the operating and production costs of the potentially affected small entities. Therefore, NMFS determines that the preferred alternative may have a significant impact on a substantial number of small entities and provided the requisite analytical information required for an IRFA.

NMFS considered the alternative of allowing the regulations to expire, which would result in no regulations governing the permitting, catching, recordkeeping, reporting, and monitoring of halibut CDQ catch. While this alternative may appear to minimize the economic impact of the proposed rule on small entities, it is not consistent with NMFS's fisheries management objectives and obligations under the Magnuson-Stevens Act and the Northern Pacific Halibut Act. Furthermore, it would not be supported by the fishing industry, the CDQ groups, the State of Alaska, or the International Pacific Halibut Commission, all of whom have an interest in the collection of catch data to manage the halibut CDQ fisheries.

The final rule satisfies NMFS's fisheries management obligations in a manner consistent with the RFA by removing some requirements and compliance costs for small entities. Specifically, it would remove the requirement that the CDQ groups (1) list in their CDPs the names of vessels less than 60 ft (18.3 m) LOA that conduct halibut CDQ fishing only and the processors taking deliveries from these vessels, and (2) submit technical amendments to their CDPs to add or remove these vessels and processors. NMFS also did not extend requirements that currently apply to vessels groundfish CDQ fishing to similar vessels while halibut CDQ fishing. Specifically, NMFS did not extend requirements for observers in shoreside processing plants that take deliveries from vessels less than 60 feet LOA who have been halibut CDQ fishing or requirements that these catcher vessels retain all groundfish species and report them under the MS groundfish CDQ reporting requirements.

This rule reinstates § 679.50 paragraphs (c)(4)(i) through (c)(4)(iv), which were inadvertently removed from the regulations under the final rule for Amendment 45 (64 FR 3877, January 26, 1999) due to an error in amendatory instruction number 8. This amendatory instruction should have revised only the introductory paragraph through paragraph (c)(4) and should not have removed paragraphs (c)(4)(i) through (c)(4)(iv). The Assistant Administrator for Fisheries, NMFS, finds for good cause under U.S.C. 553 (d)(3) that it would be contrary to the public interest to delay the effective date of the reinstatement of § 679.50 (c)(4)(i) through § 679.50 (c)(4)(iv). These sections must be effectively immediately to meet the catch monitoring and data collection goals of the FMP. Accordingly, § 679.50 (c)(4)(i) through § 679.50 (c)(4)(iv) is effective immediately upon the date of publication in the **Federal Register**.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: April 19, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.* and 3631 *et seq.*

2. In § 679.2, the definitions for ''Fixed gear sablefish and halibut CDQ fishing (applicable through December 31, 1998)'' and ''Groundfish CDQ fishing (applicable through December 31, 1998)'' are removed; the definitions for ''Groundfish CDQ fishing'' and ''Prohibited species quota (PSQ)'' are revised; and the definition for ''Halibut CDQ fishing'' is added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

Groundfish CDQ fishing means fishing by an eligible vessel listed on an approved CDP that results in the catch of any groundfish CDQ species, but that does not meet the definition of halibut CDQ fishing.

* * * * *

Halibut CDQ fishing means the following:

(1) *Catcher vessel.* The following conditions are met at all times:

(i) Halibut CDQ is retained and the weight of halibut CDQ plus halibut IFQ onboard the vessel at any time represents the largest proportion of the retained catch in round weight equivalent onboard the vessel at that time, and

(ii) For catcher vessels less than 60 ft (18.3 m) LOA, the round weight equivalent of non-CDQ groundfish does not exceed the maximum retainable bycatch amounts for these species or species groups as established in § 679.20(e) and (f).

(2) *Catcher/processor.* Halibut CDQ is retained from a set and the weight of halibut CDQ plus halibut IFQ represents the largest proportion of the retained catch in round weight equivalent from that set.

* * * * *

Prohibited species quota (PSQ) means the amount of a prohibited species catch limit established under § 679.21(e)(1) and (e)(2) that is allocated to the groundfish CDQ program under § 679.21(e)(1)(i) and (e)(2)(ii).

* * * * *

3. In § 679.7, paragraphs (d)(20), (d)(22), and (d)(25) are removed; paragraphs (d)(21), (d)(23), (d)(24), (d)(26), and (d)(27) are redesignated as paragraphs (d)(20), (d)(21), (d)(22), (d)(24), and (d)(25); a new paragraph (d)(23) is added; and paragraphs (d)(4), (d)(11), (d)(15), (d)(19), newly redesignated paragraph (d)(20), paragraphs (f)(3), (f)(5), (f)(6), and (f)(10) are revised to read as follows:

§ 679.7 Prohibitions.

* * * * *

(d) * * *

(4) Harvest groundfish CDQ on behalf of a CDQ group with a vessel that is not listed as an eligible vessel on an approved CDP for that CDQ group.

* * * * *

(11) For the operator of a catcher vessel using trawl gear or any vessel less than 60 ft (18.3 m) LOA that is groundfish CDQ fishing as defined at § 679.2, discard any groundfish CDQ species or salmon PSQ before it is delivered to an eligible processor listed on an approved CDP.

* * * * *

(15) For the operator of a catcher/processor or a catcher vessel required to carry a CDQ observer, combine catch from two or more CDQ groups in the same haul or set.

* * * * *

(19) For the operator of a catcher/processor using trawl gear or a mothership, sort, process, or discard CDQ or PSQ species before the total catch is weighed on a scale that meets the requirements of § 679.28(b), including the daily test requirements described at § 679.28(b)(3).

(20) For the manager of a shoreside processor or the manager or operator of a buying station that is required elsewhere in this part to weigh catch on a scale approved by the State of Alaska under § 679.28(c), fail to weigh catch on a scale that meets the requirements of § 679.28(c).

* * * * *

(23) For any person on a vessel using fixed gear that is fishing for a CDQ group with an allocation of fixed gear sablefish CDQ, discard sablefish harvested with fixed gear.

* * * * *

(f) * * *

(3)(i) *Halibut*. Retain halibut caught with fixed gear without a valid IFQ or CDQ permit and without an IFQ or CDQ card in the name of an individual aboard.

(ii) *Sablefish*. Retain sablefish caught with fixed gear without a valid IFQ permit and without an IFQ card in the name of an individual aboard, except as provided under an approved CDP.

* * * * *

(5) Possess, buy, sell, or transport IFQ or CDQ halibut or IFQ sablefish harvested or landed in violation of any provision of this part.

(6) Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing without an IFQ or CDQ card in the name of the individual making the landing.

* * * * *

(10) Make an IFQ halibut, IFQ sablefish, or CDQ halibut landing other than directly to (or by) a registered buyer.

* * * * *

4. In § 679.21, paragraph (e)(2)(ii) is revised to read as follows.

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(2) * * *

(ii) The amount of 7.5 percent of the non-trawl gear halibut PSC limit set forth in paragraph (e)(2)(i) of this section is allocated to the groundfish CDQ program as PSQ reserve. The PSQ reserve is not apportioned by gear or fishery.

* * * * *

5. In § 679.23, paragraph (e)(4)(iii) is removed; and paragraph (e)(4)(iv) is redesignated as (e)(4)(iii) and revised to read as follows:

§ 679.23 Seasons.

* * * * *

(e) * * *

(4) * * *

(iii) *Groundfish CDQ*. Fishing for groundfish CDQ species, other than fixed gear sablefish CDQ under subpart C of this part, is authorized from 0001 hours, A.l.t., January 1, through the end of each fishing year, except as provided in paragraph (c) of this section.

* * * * *

6. In § 679.30, paragraph (a)(5)(i)(C) is removed, paragraphs (a)(5) introductory text, paragraphs (a)(5)(i)(A)(*1*), (a)(5)(i)(A)(*2*)(*ii*), and (a)(5)(i)(B) are revised to read as follows:

§ 679.30 General CDQ regulations.

(a) * * *

(5) *Fishing plan for groundfish and halibut CDQ fisheries*. The following information must be provided for all vessels that will be groundfish CDQ fishing, all vessels equal to or greater than 60 ft (18.3 m) LOA that will be halibut CDQ fishing, and for all shoreside processors that will take delivery of groundfish CDQ species from these vessels.

(i) *List of eligible vessels and processors*—(A) *Vessels*—(*1*) *Information required for all vessels*. A list of the name, Federal fisheries permit number (if applicable), ADF&G vessel number, LOA, gear type, and vessel type (catcher vessel, catcher/processor, or mothership). For each vessel, report only the gear types and vessel types that will be used while CDQ fishing. Any CDQ vessel that is exempt from the moratorium under § 679.4(c)(3)(v) must be identified as such.

(*2*) * * *

(*ii*) Average and maximum number of hauls or sets that will be retrieved on any given fishing day while groundfish CDQ fishing.

* * * * *

(B) *Shoreside processors*. A list of the name, Federal processor permit number, and location of each shoreside processor that is required to have a Federal processor permit under § 679.4(f) and will take deliveries of, or process, groundfish CDQ catch from any vessel groundfish CDQ fishing or from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing.

* * * * *

7. In § 679.31, paragraphs (d)(1) and (d)(2) are revised; paragraphs (d)(3) and (f) are removed, and paragraph (g) is redesignated as paragraph (f) as follows:

§ 679.31 CDQ reserves.

* * * * *

(d) * * *

(1) For calendar year 2000, and thereafter, 7.5 percent; and

(2) For calendar year 1999 (applicable through December 31, 1999), 5 percent.

* * * * *

8. In § 679.32, paragraphs (a)(1), (c) introductory text, (c)(3)(i), (c)(3)(v), and (f) are revised, paragraphs (a)(2), (a)(3), and (e) are removed, paragraph (a)(4) is redesignated as paragraph (a)(2) and revised, and paragraph (g) is redesignated as paragraph (e) to read as follows:

§ 679.32 Groundfish and halibut CDQ catch monitoring.

(a) *Applicability*. (1) The CDQ group, the operator of a vessel groundfish CDQ fishing as defined at § 679.2, the operator of a catcher/processor halibut CDQ fishing as defined at § 679.2, the operator of a catcher vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing, the operator of a mothership taking deliveries from these vessels, and the manager of a shoreside processor taking deliveries from these vessels must comply with the requirements of paragraphs (b) through (d) of this section for all groundfish CDQ and PSQ. For the catch of halibut CDQ or for vessels halibut CDQ fishing, the CDQ group, the operator of the vessel, the shoreside processor, and the registered buyer must comply with the requirements of paragraph (f) of this section. In addition, the CDQ group is responsible for ensuring that vessels and processors listed as eligible on the CDQ group's approved CDP comply with all requirements of this section while harvesting or processing CDQ species.

(2) *Pollock CDQ (applicable through July 20, 1999)*. Requirements for the

accounting of pollock while CDQ fishing are at paragraph (e) of this section.

* * * * *

(c) *Requirements for vessels and processors.* In addition to complying with the minimum observer coverage requirements at § 679.50(c)(4), vessel operators and managers of shoreside processors must comply with the following requirements:

* * * * *

(3) * * *

(i) *Prior notice to observer of offloading schedule.* Notify the CDQ observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading to provide the CDQ observer an opportunity to monitor the sorting and weighing of the entire delivery.

* * * * *

(v) *CDQ delivery report.* Submit a CDQ delivery report described at § 679.5(n)(1) for each delivery of groundfish CDQ.

* * * * *

(f) *Halibut CDQ*–-(1) *Applicability.* The CDQ group, the operator of the vessel, the manager of a shoreside processor, and the registered buyer must comply with the requirements of this paragraph (f) for the catch of halibut CDQ or while halibut CDQ fishing.

(2) *Accounting for halibut CDQ catch*—(i) *Halibut CDQ permit.* The CDQ group must obtain a halibut CDQ permit issued by the Regional Administrator. The vessel operator must have a copy of the halibut CDQ permit on any fishing vessel operated by, or for, a CDQ group that will have halibut CDQ onboard and must make the permit available for inspection by an authorized officer. The halibut CDQ permit is non-transferable and is issued annually until revoked, suspended, or modified.

(ii) *Halibut CDQ card.* An individual must have onboard the vessel a valid halibut CDQ card issued by the Regional Administrator before landing any halibut CDQ. Each halibut CDQ card will identify a CDQ permit number and the individual authorized by the CDQ group to land halibut for debit against the CDQ group's halibut CDQ.

(iii) *Alteration.* No person may alter, erase, mutilate, or forge a halibut CDQ permit, landing card, registered buyer permit, or any valid and current permit or document issued under this part. Any such permit, card, or document that has been intentionally altered, erased, mutilated, or forged is invalid.

(iv) *Landings.* A person may land halibut CDQ only if he or she has a valid halibut CDQ card, and that person may deliver halibut CDQ only to a person with a valid registered buyer permit. The person holding the halibut CDQ card and the registered buyer must comply with the requirements of § 679.5(l)(1) and (l)(2).

(v) The CDQ group, vessel owner or operator, and registered buyer must comply with all of the IFQ prohibitions at § 679.7(f).

(3) *Accounting for catch of groundfish CDQ while halibut CDQ fishing.* The manager of a shoreside processor must report on a CDQ delivery report described at § 679.5(n)(1), all groundfish CDQ delivered by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ delivered by vessels of any size while halibut CDQ fishing. The CDQ group must report on a CDQ catch report described at § 679.5(n)(2), all groundfish CDQ caught by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ retained by vessels of any size while halibut CDQ fishing. This groundfish CDQ will accrue to the CDQ group's groundfish CDQ allocations. The manager of a shoreside processor and the CDQ group are not required to report on the CDQ delivery report, groundfish, except sablefish CDQ, that is caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing, and this catch (except sablefish CDQ) will not accrue against the CDQ group's groundfish CDQ allocations.

(4) *Groundfish CDQ retention requirements.* Operators of vessels less than 60 ft (18.3 m) LOA are not required to retain and deliver groundfish CDQ species while halibut CDQ fishing, unless required to do so elsewhere in this part. Operators of vessels equal to or greater than 60 ft (18.3 m) LOA are required to comply with all groundfish CDQ and PSQ catch accounting requirements in paragraphs (b) through (d) of this section, including the retention of all groundfish CDQ, if option 1 under § 679.32(c)(2)(ii) is selected in the CDP.

(5) *Observer coverage requirements.* The owner or operator of a vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing as defined at § 679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at § 679.50(c)(4) and (d)(4).

9. In § 679.50, paragraph (c)(4) and paragraph (d)(4) are revised to read as follows:

§ 679.50 Groundfish observer program (applicable through December 31, 2000).

* * * * *

(c) * * *

(4) *Groundfish and halibut CDQ fisheries.* The owner or operator of a vessel groundfish CDQ fishing or halibut CDQ fishing as defined at § 679.2 must comply with the following minimum observer coverage requirements each day that the vessel is used to harvest, transport, process, deliver, or take deliveries of CDQ or PSQ species. The time required for the CDQ observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24–hour period, and, the CDQ observer is required to sample no more than 9 hours in each 24–hour period.

(i) *Motherships or catcher/processors using trawl gear.* A mothership or catcher/processor using trawl gear must have at least two CDQ observers as described at paragraphs (h)(1)(i)(D) and (E) of this section aboard the vessel, at least one of whom must be certified as a lead CDQ observer.

(ii) *Catcher/processors using hook-and-line gear.* A catcher/processor using hook-and-line gear must have at least two CDQ observers as described at paragraphs (h)(1)(i)(D) and (E) of this section aboard the vessels, unless NMFS approves a CDP authorizing the vessel to carry only one lead CDQ observer. At least one of the CDQ observers must be certified as a lead CDQ observer. NMFS may approve a CDP authorizing the vessel to carry only one lead CDQ observer if the CDQ group supplies vessel logbook or observer data that demonstrates that one CDQ observer can sample each CDQ set for species composition in one 12–hour shift per fishing day. NMFS will not approve a CDP that would require the observer to divide a 12–hour shift into shifts of less than 6 hours.

(iii) *Catcher/processors using pot gear.* A catcher/processor using pot gear must have at least one lead CDQ observer as described at paragraph (h)(1)(i)(E) of this section aboard the vessel.

(iv) *Catcher vessel.* A catcher vessel equal to or greater than 60 ft (18.3 m), except a catcher vessel that delivers only unsorted codends to a processor or another vessel, must have at least one lead CDQ observer as described at paragraph (h)(1)(i)(E) of this section aboard the vessel.

* * * * *

(d) * * *

(4) *Groundfish and halibut CDQ fisheries.* Each shoreside processor required to have a Federal processor

permit under § 679.4(f) and taking deliveries of CDQ or PSQ from vessels groundfish CDQ fishing as defined at § 679.2 or taking deliveries from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing must have at least one lead CDQ observer as described at paragraph (h)(1)(i)(E) of this section present at all times while CDQ is being received or processed. The time required for the CDQ observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24–hour period, and the CDQ observer is required to sample no more than 9 hours in each 24–hour period.

* * * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 100698A]

RIN 0648–AL40

Fisheries of the Exclusive Economic Zone Off Alaska; Amendments for Addressing Essential Fish Habitat (EFH) Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of approval of fishery management plan amendments.

SUMMARY: NMFS announces approval of the following fishery management plan (FMP) amendments: Amendment 55 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Amendment 55 to the FMP for Groundfish of the Gulf of Alaska; Amendment 8 to the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands; Amendment 5 to the FMP for Scallop Fisheries off Alaska; and Amendment 5 to the FMP for the Salmon Fisheries in the Exclusive Economic Zone (EEZ) off the Coast of Alaska (Amendments 55/55/8/5/5). These amendments describe and identify EFH in Alaska, and risks to that habitat, for groundfish, scallops, salmon, and king and Tanner crabs.

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Federal agencies must consult with NMFS, acting for the Secretary of Commerce (Secretary), on any activity, or proposed activity, authorized, funded, or undertaken, that may adversely affect EFH. This action is necessary to promote the protection and conservation of habitat used by FMP species at crucial stages of their life cycles. It is intended to promote the goals and objectives of these FMPs.

DATES: The amendments were approved on January 20, 1999.

ADDRESSES: Copies of Amendments 55/55/8/5/5 and the environmental assessment (EA) prepared for the amendments are available from the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Cindy Hartmann, 907–586–7312, or Nina Mollett, 907–586–7492.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and the Gulf of Alaska under the FMPs for groundfish in their respective management areas. With Federal oversight, the State of Alaska (State) manages the commercial king crab and Tanner crab fisheries in the BSAI, and the scallop and salmon fisheries off Alaska, under the FMPs for those fisheries. The North Pacific Fishery Management Council (Council) prepared these FMPs in accordance with the Magnuson-Stevens Act. Regulations implementing the FMPs appear at 50 CFR part 679. General regulations at 50 CFR part 600 also apply.

The following EFH reports, which are referenced in the amendments, are also available from the Council (see Addresses):

1. Essential Fish Habitat Report for the Groundfish Resources of the Bering Sea and Aleutian Islands, April 1, 1998.
2. Essential Fish Habitat Report for the Groundfish Resources of the Gulf of Alaska Region, April 1, 1998.
3. Essential Fish Habitat Report for the King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands, March 31, 1998.
4. Essential Fish Habitat Report for the Salmon Fisheries in the EEZ off the Coast of Alaska, March 31, 1998.
5. Essential Fish Habitat Report for the Scallop Fisheries off the Coast of Alaska, March 31, 1998.

A Notice of Availability (NOA) of Amendments 55/55/8/5/5, which described the proposed action and solicited comments from the public through December 21, 1998, was published in the **Federal Register** on October 22, 1998 (63 FR 56601). Eleven letters were received within the 60-day comment period. They are summarized and responded to here.

After review of the amendments and comments received, the Administrator, Alaska Region, NMFS (Regional Administrator), determined that Amendments 55/55/8/5/5 are consistent with the Magnuson-Stevens Act and other applicable laws and approved the amendments on January 20, 1999. These FMP amendments became effective on approval. No regulatory changes are necessary to implement these FMP amendments.

Background

The Magnuson-Stevens Act mandates increased consideration of fish habitat in the process of managing and conserving the Nation's fisheries. Section 303(a)(7) of the Magnuson-Stevens Act requires all FMPs to describe and identify EFH, which it defines as ''those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.'' In addition, FMPs must minimize adverse effects on EFH caused by fishing and identify other actions to conserve and enhance EFH.

As required by section 305(b) of the Magnuson-Stevens Act, NMFS published regulatory guidelines on December 19, 1997 (62 FR 66531, codified at 50 CFR part 600), to assist regional fishery management councils in their task of describing and identifying EFH, identifying adverse impacts on EFH, and identifying actions to conserve and enhance EFH. In accordance with these procedural guidelines, the Regional Administrator submitted draft EFH recommendations to the Council on April 3, 1998, for review and public comment. These draft recommendations were based on habitat assessment reports drafted by four technical teams, consisting of Federal and State biologists, working in cooperation with the Alaska Regional EFH Core Team, whose members were appointed by the NMFS Deputy Regional Administrator. NMFS submitted its final recommendations for the EFH amendments at the Council's June 1998 meeting. The Council adopted the recommended EFH amendments at that time. The Council submitted the amendments for Secretarial review on October 5, 1998. NMFS published an NOA for Amendments 55/55/8/5/5 on October 22, 1998 (63 FR 56601). The contents of the amendments were provided in the NOA and will not be repeated here. On January 20, 1999, the

Regional Administrator approved the five amendments.

EFH Consultation Requirements for Federal Agencies

Section 305(b)(2) of the Magnuson-Stevens Act requires each Federal agency to consult with the Secretary with respect to any action it has authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, that may adversely affect any EFH identified under the Magnuson-Stevens Act. On December 19, 1997 (62 FR 66531), NMFS established procedures under 50 CFR part 600, subpart K, for implementing the requirements of the Magnuson-Stevens Act for other agencies to coordinate and consult with NMFS, and to consider NMFS' recommendations for EFH conservation.

Effective January 20, 1999, Federal agencies must consult with the Secretary with respect to actions that may adversely affect EFH identified and described in Amendments 55/55/8/5/5. NMFS must provide conservation and enhancement recommendations on any action that would adversely affect EFH, and the Federal action agency must provide a detailed, written response to NMFS within 30 days of receiving the EFH recommendations.

Response to Comments

Eleven letters were received on Amendments 55/55/8/5/5 during the 60-day comment period ending December 21, 1998. Six letters were from non-fishing industry groups, three were from environmental organizations, one was from the State, and one was from the U.S. Coast Guard.

Comment 1. The scope of the EFH definition is too broad. Specific features should be identified for EFH designation. Instead, the definition in the amendments encompasses nearly all existing and potential fresh and saltwater habitat within and offshore Alaska. It includes all Alaska coastal and inland river, stream, and lake systems in which any of the five salmon species has been documented to occur.

Because the EFH area is so large, NMFS may not be able to adequately review and provide conservation recommendations on all Federal and State actions that might adversely affect EFH. The failure to rank or prioritize ''truly essential'' habitat areas is the logical equivalent of concluding that no habitat is essential.

According to one comment, the broadness of the definitions could invite third party lawsuits by ''radical environmentalist groups.''

Response: NMFS recommended a broad definition of EFH to the Council, and most of the other NMFS regions arrived at similar definitions. These definitions are consistent with a conservative approach to managing the fishery. NMFS considered the alternative of using known concentrations to define EFH for species' life stages for which Level 2 or higher information is available. At Level 2, quantitative data are available for the habitats occupied by a species or life history stage. This alternative was rejected, as explained in NMFS' Final Recommendations to the Council (May 11, 1998), for the following reasons:

1. Areas of known concentrations, based on current information, do not adequately address unpredictable annual differences in spatial distributions of a life stage, nor changes due to long-term shifts in oceanic regimes.

2. All habitats occupied by a species contribute to production at some level. Although contributions from individual locations may be small, collectively they can account for a significant part of total production. For example, fisheries for coho and pink salmon depend on the cumulative production from thousands of streams that are widely distributed across coastal Alaska.

3. A stock's long-term productivity is based on high and low levels of abundance. A broad range and diversity must be conserved to provide for periods of abundance, and to avoid severely reduced production during poor years. For example, high concentrations of rock sole were found in only two discrete areas of the southeastern Bering Sea during the early 1980s, but were found throughout regions with 100–m water depth during the mid-1990s, a period of much higher abundance.

4. The advice in the NMFS guidelines is to use the best scientific information available in a risk-averse fashion, employing an ecosystem approach. This suggests that, unless the information indicates otherwise, the more inclusive general distribution should be used to designate EFH. Observed concentrations do not necessarily reflect all the habitat required to maintain healthy stocks within the ecosystem.

From a scientific perspective, identifying areas outside of a known concentration as non-essential for maintaining healthy production levels would require extensive knowledge of habitat-related linkages to productivity and the ecosystem. Based on such knowledge, making a determination that portions of habitat encompassed by a general distribution definition are non-essential might be possible. However, NMFS does not have the information to make such a determination at this time.

5. In the case of juvenile and adult life stages of salmon in marine waters, scientists, through research and observation, have determined that salmon are distributed over a large expanse of the Pacific Ocean, Gulf of Alaska, Bering Sea, and Chukchi Sea, from the shoreline to beyond the limit of the U.S. EEZ. The fish actually require a much larger area than earlier had been expected. They require a broad geographical distribution of habitat to obtain the prey species needed for their growth, and to obtain the diversity necessary so that they can withstand changing environmental conditions.

NMFS disagrees that it will not be able to afford habitat protection with this broad definition and that it will not be able to adequately review and provide conservation recommendations on Federal and State agency actions. The process of providing such review will be incorporated into existing processes whenever possible, and will ensure that concerns are raised when an action is proposed that may have adverse impacts on EFH.

Comment 2. No basis exists in the Magnuson-Stevens Act for addressing habitat outside the EEZ regulatory authority of the Council (extending 3–200 nautical miles from shore), and therefore the EFH amendments exceed the scope of the Magnuson-Stevens Act.

Response: The Magnuson-Stevens Act requires the regional fishery management councils to describe and identify EFH based on all life stages of the species managed in their FMPs, with no limitations placed on the geographic location of EFH. Since provisions in statutes are not presumed to apply extraterritorially, NMFS has determined that waters beyond the U.S. EEZ are not to be identified as EFH. None of the Alaska EFH FMPs extend EFH seaward of the EEZ.

EFH may be in State and/or Federal waters, depending on a species' biological requirements. Identifying coastal and inland State waters as EFH authorizes NMFS to consult on actions that may adversely affect EFH, and to provide conservation recommendations. The description and identification of EFH in State waters does not authorize NMFS to regulate activities in these areas. The Magnuson-Stevens Act requires NMFS to work closely with other agencies and groups to ensure the conservation and enhancement of EFH in State and Federal waters.

Comment 3: No basis exists in the Magnuson-Stevens Act for the regional fishery management councils to address

non-fishing interests. The 1996 amendments to the Magnuson-Stevens Act do not authorize the promulgation of standards and regulations that affect non-fishing entities. The amendments exceed the authority of the Magnuson-Stevens Act by affecting resource management disciplines for which Council members do not have the required expertise. The affected industries have no representation on the Council.

Response: One of the stated purposes of the 1996 amendments to the Magnuson-Stevens Act is to promote the protection of EFH through the review of projects conducted under Federal permits, licenses, or other authorities that affect EFH, or have the potential to affect it (16 U.S.C. 1801(b)(7)). The Magnuson-Stevens Act does not limit review of projects to fishing activities, but also includes non-fishing activities. Additional evidence of the intent of the Magnuson-Stevens Act to include non-fishing activities is in 16 U.S.C. 1855(b)(3), which states that councils may comment on and make recommendations to the Secretary and to any Federal or state agency concerning any activity authorized or proposed that may affect the habitat of a fishery resource under the council's authority.

Furthermore, the Magnuson-Stevens Act requires that councils identify, in their FMPs, potential adverse impacts to EFH and measures that will encourage the conservation and enhancement of EFH. Amendments 55/55/8/5/5, in compliance with the Magnuson-Stevens Act, identify both fishing and non-fishing activities that may adversely affect EFH for those species.

The regulatory relationship of NMFS to non-fishing interests is not the same as it is to fishing interests. NMFS regulates fishing activities in the EEZ, whereas EFH recommendations to a Federal agency on its non-fishing activities are advisory. Amendments 55/55/8/5/5 do not authorize NMFS or the Council to regulate non-fishing activities. The amendments identify and describe EFH for FMP-managed species, and Federal agencies are required to consult with NMFS on activities that may adversely affect EFH for those species. If the Secretary makes EFH conservation recommendations concerning an action that has been determined as likely to cause adverse impacts to EFH, the responsible Federal agency is required to consider the recommendations and respond in writing within 30 days of receiving them.

NMFS does not anticipate that approval of Amendments 55/55/8/5/5 will substantively alter NMFS' interactions with other Federal agencies. NMFS currently provides comments and conservation recommendations for non-fishing activities under various legislative mandates, including the Rivers and Harbors Act, the Clean Water Act, the National Environmental Policy Act (NEPA), the National Fish and Wildlife Coordination Act, the Federal Power Act, and others.

In response to the comment about Council expertise to handle EFH requirements under the Magnuson-Stevens Act, councils may comment on and make recommendations to the Secretary and any Federal or state agency on any activity that is, or is proposed to be, authorized, funded, or undertaken that, in the view of the Council, may affect EFH of a managed species. The Secretary appoints members of regional councils, including the North Pacific Fishery Management Council, on the basis of their expertise and knowledge of the fishery resources of their geographic area. The current structure of the councils is sufficient to meet the EFH consultation requirements of the Magnuson-Stevens Act. The Council and its staff have the requisite expertise to judge whether an action may have adverse impacts on EFH and to make recommendations regarding those impacts.

Comment 4. The amendments do not go far enough in meeting the EFH requirements of the Magnuson-Stevens Act in that they fail to adequately analyze adverse effects from fishing, fail to devise adequate conservation measures to minimize such effects, and fail to undertake an adequate cumulative impacts analysis. Additionally, specific habitat areas of particular concern (HAPCs) should have been identified. NMFS and the Council stopped too soon by broadly listing types of HAPCs, but not by identifying specific places where these types of habitats exist. Because of these failings, the relevant portions of the amendments should be disapproved.

Response: NMFS has determined that these amendments meet statutory and regulatory requirements for incorporating information identifying EFH and potential adverse effects on EFH from fishing activities. NMFS agrees that impacts from fishing, measures to mitigate adverse impacts from fishing, and determining cumulative impacts to EFH are all important components of the amendments. These components will be expanded in future amendments to incorporate new information as it becomes available.

NMFS disagrees that parts of the amendments should be disapproved while further analysis is conducted and further mitigation measures developed. The amendments meet the EFH requirements, and by adopting them now, NMFS can address environmental concerns sooner than a partial approval would allow. NMFS and the Council have collated existing information, identified data gaps, and laid the groundwork for an ongoing process of further research. As further research is completed, the Council and NMFS will amend the FMPs to reflect new information, and it will be possible to undertake a more complex cumulative impacts analysis.

NMFS has recommended to the Council that the subject FMP amendments be considered a starting point, not an endpoint. Research on the effects of different kinds of fishing gear, mapping to better identify sensitive habitat, and additional analysis of cumulative impacts should be continued and strengthened, along with development of measures to mitigate harmful effects on habitat.

The FMPs have already set into motion the process of ensuring that understanding and protection of EFH will continue. The FMPs now require that (1) the annual review of existing and new EFH information be conducted during the annual Stock Assessment and Fishery Evaluation Report, (2) the Council utilize its annual FMP amendment cycle to solicit proposals on HAPCs and/or conservation and enhancement measures to minimize potential impacts from fishing, and (3) a complete review of all EFH components of each FMP be conducted once every 5 years.

NMFS will continue to work with the Council, as budget and staffing constraints allow, to identify HAPCs, and to further refine the criteria for identification of sites (see the EA, section 11.2). In the summer of 1998, the Council sought public proposals for HAPCs. The Council received six proposals, and the Council has requested technical support from NMFS to analyze some of them. The scientific fieldwork necessary to support HAPC designations cannot be conducted instantaneously; it will require a period of years. That is why NMFS developed criteria for identifying HAPCs, rather than attempting at this time, with insufficient information, to specify them geographically.

Comment 5: The EA is inconsistent with national standard 2 of the Magnuson-Stevens Act, which requires that conservation and management measures be based upon the best

scientific information available. The EFH amendments do not take into account the requirements of the Alaska Forest Resources and Practices Act and other protective laws and measures that must be followed by developers. The EA does not appear to recognize recent research and literature documenting the effectiveness of such practices.

In particular, Amendment 5 to the salmon FMP identifies all resource development projects, large and small, as ''non-fishing related activities that may adversely affect EFH'' and as ''non-fishing threats to EFH.'' However, none of the references provided in support of identification of potential non-fishing threats to salmon EFH is less than 10 years old.

Regarding Amendments 55 and 55 to the two groundfish FMPs, commentors assert that current protective management practices are ignored in reaching conclusions regarding potential adverse effects on EFH. Such activities as timber harvests and impoundments are identified as potential threats to EFH for marine species such as groundfish, which do not use freshwater or estuary habitat. Again, few of the references listed as support for these generic conclusions are less than 10 years old.

Response: Scientists from NMFS's Alaska Fisheries Science Center were included in the development of the EFH amendments, and the description and identification of EFH is based on their knowledge of the current available science. Some of these NMFS scientists are noted for their expertise on logging issues and have been primary authors on research that led to the adoption of current forest practices legislation in Alaska. They are aware of current forest practices statutes and standards, including the Alaska Forest Resources and Practices Act and the Tongass Timber Reform Act, and they used this knowledge in identifying non-fishing activities that may affect EFH and in identifying conservation and enhancement measures.

Potential threats to habitat exist even with current forest management practices. The absence of some current literature citations in the EA and the salmon EFH amendment language may have been an oversight. However, including those citations would not affect the amendments' identification and description of EFH and the potential threats to it. The substantive information from that literature was considered in the development and approval of Amendments 55/55/8/5/5, and their omission from the list of cited literature is not sufficient grounds for disapproval of the amendments.

NMFS disagrees with the comment that groundfish do not use freshwater or estuarine habitat. Marine species such as eulachon, capelin, herring, sandlance, crab, sablefish, juvenile rockfish, Pacific cod, and English sole utilize freshwater and/or estuarine habitat during some part of their life cycles. Upland development activities may impact EFH for these species, and identifying such potential threats in the groundfish and crab FMPs is, therefore, relevant.

NMFS views the identification and description of EFH and the development of measures to safeguard it as an evolving process, and will continue to use the best available science to make improvements in the EFH amendments to the FMPs. To that end, the FMPs will be updated to include any important citations that may have been inadvertently omitted. Information on current industry standards and practices, such as those required by the Alaska Forest Resources and Practices Act, will be more explicitly incorporated into the non-fishing threats sections of the FMPs.

Comment 6: The EA is inconsistent with national standard 7 of the Magnuson-Stevens Act, which requires that conservation and management measures, where practicable, minimize costs and avoid unnecessary duplication. The inter-agency consultations required for activities that might affect EFH add a redundant layer of bureaucracy to the regulatory process with which non-fishing industries must already comply. The process will be cumbersome and unworkable, and unnecessary costs will accrue to a huge range of non-fishing entities. One letter stated, ''This creates yet another program that, as best we can tell, adds nothing and duplicates other Federal and State programs all designated to protect habitat and water quality.''

Response: Because the EA is an analytical document prepared under NEPA, it does not have to be consistent with national standard 7 of the Magnuson-Stevens Act. NMFS has determined that the EFH amendments are consistent with the Magnuson-Stevens Act, including national standard 7. Inter-agency consultations on Federal or State activities that may adversely affect EFH are required by the Magnuson-Stevens Act; they are not an optional aspect of the EFH amendments for any of the eight regional fishery management councils. Section 305(b)(2) of the Magnuson-Stevens Act states: ''Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.''

Existing Federal statues, such as the Fish and Wildlife Coordination Act, the Endangered Species Act, and NEPA, already require consultation or coordination between NMFS and other Federal agencies. The EFH consultations will not be duplicative, as they will be subsumed to the greatest extent possible under an existing review process and within existing process time frames. The regulatory guidelines at 50 CFR part 600 suggest that NMFS be consulted as early as possible in project planning so that appropriate conservation measures can minimize the potential for adverse effects to EFH. The EFH amendments contain conservation recommendations that are appropriate for many Federal actions, and they can also serve as guidelines that should be considered during project planning.

NMFS does not agree that the EFH requirements merely add redundancy to an already overburdened regulatory system. The Sustainable Fisheries Act of 1996, amending the Magnuson-Stevens Act, was adopted after years of public criticism that the Federal Government was failing in its responsibility to adequately protect the Nation's fishery resources from unacceptable stock decreases due to overfishing and habitat degradation. The EFH requirements were meant to address the second of those concerns.

Comment 7: The EFH amendments fail to meet NEPA and Regulatory Flexibility Act (RFA) requirements. The EA is inadequate as a NEPA document, as it contains the unsupported conclusion that modification or relocation of non-fishing activities may result in short-term costs to users, but will result in long-term benefits to the economy. The assertion in the EA that the action proposed ''is simply to describe and identify EFH for FMP species, which in and of itself will have no economic impact,'' is erroneous. The costly and delay-generating EFH consultation process will have significant socioeconomic, physical, and biological effects, which must be addressed in order to comply with NEPA. The effects on the human environment of the pervasive and cumbersome EFH program reflected in the proposed amendments are potentially huge and should be addressed in an Environmental Impact Statement.

Furthermore, the amendments do not incorporate any analysis of impacts on small entities and are not in compliance with the RFA and applicable executive orders.

Response: The analytical requirements of the RFA apply only to regulatory actions for which notice and comment rulemaking is required under the Administrative Procedure Act or other statute. If the action does not require notice and comment rulemaking, no further analysis is needed. Because there was no requirement for a proposed rule to implement Amendments 55/55/8/5/5, the analytical requirements of the RFA did not apply. During the EFH consultation process, NMFS will provide EFH conservation recommendations to other Federal or State agencies. The action agency will consider the recommendations in its decision making process and then decide whether it will impose any requirements on the entity seeking a permit or license. That is the point at which the action agency might be required to prepare an RFA analysis.

NMFS disagrees with the comment concerning the adequacy of the EA prepared for the EFH amendments. As stated in the EA, the EFH FMP amendments describe and identify EFH for all FMP-managed species off Alaska and include discussions of impacts on EFH from fishing and non-fishing activities, EFH research and information needs, and review and revision schedules for EFH components of the FMPs. These discussions, as approved, will be incorporated into the five Alaska FMPs. The EFH FMP provisions that were approved have no regulatory effect on fishing or non-fishing interests. A Finding of No Significant Impact for the EFH amendments is appropriate.

NMFS also disagrees with the commenter's predictions of costly delays. As previously mentioned in the response to Comment 6, EFH consultations will in most cases be combined with existing consultations that are required by NEPA and by other laws. NMFS recognizes that changes to a Federal action agency's proposal as a result of an EFH recommendation may generate costs or require additional analyses under such applicable Federal laws as NEPA or the RFA. However, the coordination, consultation, and recommendation process itself will not automatically impose additional restrictions, because NMFS' EFH conservation recommendations are not mandatory, and because NMFS has no authority to stop a project based on adverse effects on EFH.

Comment 8: The amendments include no apparent meaningful threshold of significance or way of gauging the likelihood of adverse effect on EFH, which would enable the Council, NMFS, and non-fishing entities to focus on activities with the potential for substantial harm to Council-managed fisheries. Blanket presumptions subject all types of coastal and inland developments or land use activities to cumbersome EFH consultations.

Response: ''Adverse effects,'' as defined at § 600.810 of this title, means any impact which reduces the quality and/or quantity of EFH. Adverse effects may include, for example, direct effects through contamination or physical disruption, indirect effects such as loss of prey or reduction in species fecundity, and site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. Only actions which have a reasonably foreseeable adverse effect require consultation. Thus, NMFS must comment on Federal or State actions that take place within riparian areas or hydrological basins only if they have a reasonably foreseeable impact on EFH. Furthermore, the regulations provide for streamlined consultation procedures, such as general concurrences and abbreviated consultations, that may be used when the activities at issue do not have the potential to cause substantial adverse effects on EFH.

Comment 9: NMFS should not finalize these amendments until the interim final rule is finalized. Amending FMPs to incorporate EFH in advance of that action would require redoing the process later, and would likely lead only to further disagreement and confusion in the meantime.

Response: The interim final rule has the effect of a final rule. As mentioned in the response to Comment 4, Amendments 55/55/8/5/5 all require periodic reviews of new and existing EFH information. Any updates necessary after the rule is finalized can be accomplished through this review process.

Comment 10: The State expressed ''guarded support'' of the amendments, but was concerned about the lack of information about the scope and mechanics of EFH coordination and consultations.

Response: NMFS has held meetings with representatives of several State agencies to work out procedures for coordination on EFH consultations, and will continue to schedule meetings as needed.

Comment 11: The U.S. Coast Guard commented that it will evaluate its activities for possible impacts once HAPCs are identified.

Response: NMFS will provide the U.S. Coast Guard with technical guidance on EFH consultation procedures.

Comment 12: NMFS is to be commended for tackling a difficult task by compiling and organizing the information contained in the amendments. The commentors support the goal of conserving and enhancing essential fish habitat, and were generally complimentary in terms of the hard work that went into the development of the EFH FMPs despite reservations covered in preceding comments and responses.

Response: NMFS appreciates constituent support in this important and challenging endeavor, and looks forward to working with all parties to make improvements.

Comment 13: The requirement in the NOA that comments be received by NMFS by the end of the comment period, and not simply postmarked by then, is unfair.

Response: NMFS understands that the EFH amendments and EA were lengthy and may have been difficult to review thoroughly within the 60-day comment period. In accordance with the Magnuson-Stevens Act requirements at section 304(a), NMFS must affirmatively approve, disapprove, or partially approve an FMP or FMP amendment within 30 days of the end of a comment period. NMFS typically needs the full 30 days to review public comments received and to complete the internal review and decision making process, particularly when the FMP or FMP amendment is complex and lengthy, as was the case with Amendments 55/55/8/5/5. NMFS asks that comments be received by the end of the comment period, so that they can be reviewed and considered during the decision making process.

Dated: April 20, 1999.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–10408 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 79
Monday, April 26, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AH81

Prevailing Rate Systems; Changes in Federal Wage System Survey Jobs

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing a proposed rule that would change the Helper (Trades) WG–5 appropriated fund Federal Wage System survey job from required to optional, add the word ''Heavy'' to the name of the Janitor WG–2 FWS survey job, change the title of the Warehouseman WG–5 survey job to Warehouse Worker WG–5, and remove the Boiler Plant Operator WG–9 survey job from the list of optional survey jobs. These changes are being made to make Federal Wage System survey jobs more useful survey tools for local wage surveys.

DATES: Comments must be received on or before May 26, 1999.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606–4264.

FOR FURTHER INFORMATION CONTACT: Mark A. Allen, (202) 606–2848, FAX: (202) 606–0824, or email to maallen@opm.gov.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management (OPM) is engaged in an ongoing project to review the survey job descriptions used by Federal agencies during Federal Wage System (FWS) local wage surveys to determine prevailing rates of pay for FWS employees. The FWS is the pay system for the Federal Government's blue-collar workforce.

As a result of this review, OPM proposes to change the Helper (Trades) WG–5 appropriated fund FWS survey job from required to optional. In the past, the Helper (Trades) WG–5 survey job has produced adequate data for use in calculating FWS pay rates in only about one-quarter of the appropriated fund FWS wage areas. Because of this, OPM proposes that its use become optional rather than required. In addition, OPM proposes that the word ''Heavy'' be added to the title of the Janitor WG–2 appropriated fund FWS survey job and that the Warehouseman WG–5 survey job title be changed to Warehouse Worker WG–5. These changes would better distinguish the Janitor WG–2 survey job from the Janitor (Light) WG–1 survey job and modernize the Warehouseman WG–5 survey job title. Finally, OPM proposes that the Boiler Plant Operator WG–9 survey job be removed from the list of optional survey jobs. The Boiler Plant Operator WG–10 survey job would remain an optional survey job. This change is proposed because only 0.5 percent of FWS employment in WG–9 positions is represented by this survey job and because matching private sector jobs only at the WG–10 journey level would be more consistent with the other survey jobs used in FWS wage surveys. The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with these changes.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, the Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

§ 532.217 [Amended]

2. In Section 532.217, paragraph (a) is amended by adding the word ''(Heavy)'' after the job title ''Janitor'', by removing the job title ''Warehouseman'' and replacing it with ''Warehouse Worker'', by removing the job title and job grade for ''Helper (Trades)'' and adding it in grade order to paragraph (c), and amending paragraph (c) by removing the job title ''Boiler Plant Operator'' and job grade ''9''.

[FR Doc. 99–10401 Filed 4–23–99; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–125–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company Model 182S Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The document proposes to supersede Airworthiness Directive (AD) 98–13–10, which currently requires repetitively inspecting all engine exhaust muffler end plates (four total) for cracks on all Cessna Aircraft Company (Cessna) Model 182S airplanes, and replacing any muffler where an end plate is found cracked. AD 98–13–10 also requires fabricating and installing a placard that specifies immediately inspecting all engine exhaust muffler end plates any time the engine backfires upon start-up. The

proposed AD is the result of Cessna developing an improved design exhaust system for the Model 182S airplanes. The proposed AD would retain the actions of AD 98–13–10 on all affected airplanes, and would require replacing the exhaust system with an improved design exhaust system within a certain period of time, as terminating action for those requirements retained from AD 98–13–10. The proposed AD would also limit the effectivity to not include those airplanes manufactured with the improved design exhaust system. The actions specified by the proposed AD are intended to detect and correct damage to the engine exhaust mufflers caused by cracking and the high stresses imposed on the attachment of the exhaust at the area of the firewall, which could result in exhaust gases entering the airplane cabin with consequent crew and passenger injury.

DATES: Comments must be received on or before June 25, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–125–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Pendleton, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4143; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–CE–125–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this MPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–125–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 98–13–10, Amendment 39–10598 (63 FR 32973, June 17, 1998), currently requires the following on all Cessna Model 1825 airplanes:

—Repetitively inspecting all engine exhaust muffler end plates (four total) for cracks;

—Replacing any muffler where an end plate is found cracked; and

—Fabricating and installing a placard that specifies immediately inspecting all engine exhaust muffler end plates any time the engine backfires upon start-up.

Actions Since Issuance of Previous Rule and Relevant Service Information

Cessna has developed a new exhaust system muffler that, when incorporated, would eliminate the need for the repetitive inspection required by AD 98–13–10.

Cessna Service Bulletin SB98–78–03, dated December 14, 1998, includes procedures for installing this improved design exhaust system muffler.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information, the FAA has determined that AD action should be taken to detect and correct damage to the engine exhaust mufflers caused by cracking and the high stresses imposed on the attachment of the exhaust at the area of the firewall, which could result in exhaust gases entering the airplane cabin with consequent crew and passenger injury.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Cessna Model 182S airplanes of the same type design, the proposed AD would supersede AD 98–13–10. The proposed AD would retain the actions of AD 98–13–10 on all affected airplanes, and would require replacing the exhaust system with an improved design exhaust system within a certain period of time, as terminating action for the actions retained from AD 98–13–10. The proposed AD would also limit the effectivity to not include those airplanes manufactured with the improved design exhaust system. Accomplishment of the proposed replacement would be required in accordance with Cessna Service Bulletin SB98–78–03, dated December 14, 1998.

Cost Impact

The FAA estimates that 150 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 workhour per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed inspection on U.S. operators is estimated to be $9,000, or $60 per airplane. These figures only take into account the cost of the proposed initial inspection and do not take into account the costs of any repetitive inspections or replacements needed if cracks were found.

The inspection cost of the proposed AD is the same as that presented in AD 98–13–10. Therefore, the proposed AD imposes no inspection cost impact on U.S. operators of the affected airplanes over that already required in AD 98–13–10.

The FAA estimates that it would take approximately 4 workhours per airplane to accomplish the proposed replacement, and that the average labor rate is approximately $60 an hour. Parts cost approximately $463 per muffler assembly (2 required) per airplane. Based on these figures, the total cost impact of the proposed replacement on U.S. operators is estimated to be $174,900, or $1,166 per airplane.

Parts credit and labor allowance credit for the actions proposed in this NPRM may be obtained by submitting the appropriate paperwork to Cessna before June 14, 1999. Any removed

mufflers should be returned with the paperwork.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, or a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contracting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98–13–10, Amendment 39–10598, and by adding a new AD to read as follows:

Cessna Aircraft Company: Docket No. 98–CE–125–AD; Supersedes AD 98–13–10, Amendment 39–10598.

Applicability: Model 182S airplanes, serial numbers 18280001 through 18280286, certified in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct damage to the engine exhaust mufflers caused by cracking and the high stresses imposed on the attachment of the exhaust at the area of the firewall, which could result in exhaust gases entering the airplane cabin with consequent crew and passenger injury, accomplish the following:

(a) Within 5 days after the effective date of this AD, unless already accomplished (compliance with AD 98–13–10), accomplish the following:

(1) Fabricate a placard that specifies immediately inspecting all engine exhaust muffler end plates when the engine backfires upon start-up, and install this placard on the instrument panel within the pilot's clear view. The placard should utilize letters of at least 0.10-inch in height and contain the following words:

''If the engine backfires upon start-up, prior to further flight, inspect and replace (as necessary) all engine exhaust muffler end plates.''

(2) Insert a copy of this AD into the Limitations Section of the airplane flight manual (AFM).

(b) Within 25 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished (compliance with AD 98–13–10), and thereafter at intervals not to exceed 25 hours TIS after each inspection (including any inspection accomplished after an engine backfire) until the replacement required by paragraphs (b)(1) and (d) of this AD are accomplished, inspect all engine exhaust muffler end plates (four total) for cracks on the forward (upstream) or aft (downstream) end of each muffler can.

(1) Prior to further flight, replace any engine exhaust muffler where an end plate is found cracked with one of improved design, part number (P/N) 1254017–19 or P/N 9954200–9 (or FAA-approved equivalent part number). Accomplish these replacements in accordance with Cessna Service Bulletin SB98–78–03, dated December 14, 1998.

(2) This replacement terminates the repetitive inspection required by this AD for that particular engine exhaust muffler. The repetitive inspections would still be required for any other engine exhaust muffler not replaced with the improved design parts.

(3) The placard requirements of this AD are still required until all engine exhaust system mufflers are replaced with the improved design parts.

Note 2: Cessna Service Bulletin SB98–78–02, Issued: June 6, 1998, depicts the area to be inspected. The actions of this service bulletin are different from those required by this AD. This AD takes precedence over the actions specified in this service bulletin. Accomplishment of Cessna Service Bulletin SB98–78–02, Issued: June 6, 1998, is not considered an alternative method of compliance to the actions of this AD.

(c) Fabricating and installing the placard and inserting this AD into the Limitations Section of the AFM, as required by paragraph (a) of this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(d) Within 12 calendar months after the effective date of this AD, replace the engine exhaust mufflers with ones of improved design, part number (P/N) 1254017–19 or P/N 9954200–9 (or FAA-approved equivalent part number). Accomplish these replacements in accordance with Cessna Service Bulletin SB98–78–03, dated December 14, 1998.

(1) These replacements terminate the repetitive inspection and placard requirements of this AD, as specified in paragraphs (a) and (b), including all subparagraphs, of this AD.

(2) The replacements may be accomplished prior to 12 calendar months after the effective date of this AD, as terminating action for the repetitive inspection and placard requirements of this AD.

(e) As of the effective date of this AD, no person may install, on any affected airplane, an engine exhaust muffler that is not of improved design, P/N 1254017–19 or P/N 9954200–9 (or FAA-approved equivalent part number).

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

(2) Alternative methods of compliance approved in accordance with AD 98–13–10 are not considered approved as alternative methods of compliance for this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(h) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Cessna Aircraft Company, Product Support, P.O. Box 7706, Wichita, Kansas 67277; or may examine these documents at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(i) This amendment supersedes AD 98–13–10, Amendment 39–10598.

Issued in Kansas City, Missouri, on April 20, 1999.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10348 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–21–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–100, –200, and –200C series airplanes. This proposal would require inspections to detect corrosion and cracking of the inboard track of each outboard flap where the track attaches to the rear spar, and repair, if necessary. For certain airplanes, this proposal also provides for optional terminating action for the repetitive inspections required for those airplanes. This proposal is prompted by several reports of cracking of the inboard track of the outboard flap. The actions specified by the proposed AD are intended to detect and correct corrosion and cracking of the inboard track of the outboard flap, which could result in loss of the outboard trailing edge flap and consequent reduced controllability of the airplane.

DATES: Comments must be received by June 10, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–21–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–21–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–21–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that cracking of the inboard track of the outboard flap where the track attaches to the rear spar has been found on several airplanes. Such cracking has been attributed to stress corrosion. Corrosion in that area can be accelerated if a phenolic rub strip is installed at the interface between the flap track and wing skin. (The rub strip is intended to protect the surface of the wing skin from abrasion.) The phenolic rub strip may draw moisture into the interface, which could result in corrosion. Also, inadequate clamp-up of the attachment bolts can make the area where the flap track attaches to the rear spar more vulnerable to moisture absorption and, consequently, to corrosion. Such corrosion, if not corrected, could result in cracking of the inboard flap track, which could result in loss of the outboard trailing edge flap and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 737–57–1065, Revision 3, dated December 17, 1982. That service bulletin describes, among other things, procedures for a preventive modification of the interface between the inboard track of the outboard flap and the rear spar. The modification involves replacing the existing rub strip with an aluminum rub strip; replacing the existing shim, if necessary; and replacing certain attachment bolts with new attachment bolts. Accomplishment of the modification specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require, for certain airplanes, repetitive visual inspections to detect corrosion, and repetitive high frequency eddy current (HFEC) inspections to detect cracking, of the inboard track of each outboard flap where the track attaches to the rear spar, and repair, if necessary. For certain other airplanes, the proposed AD would require a one-time visual inspection to detect corrosion, and a one-time HFEC inspection to detect cracking, of the inboard track of each outboard flap where the track attaches to the rear spar, and repair, if necessary. The HFEC inspections would be required to be accomplished in accordance with the Boeing 737 Nondestructive Test Manual.

For certain airplanes, the proposed AD also provides an optional terminating action for the repetitive inspection requirement. This action would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

Differences Between the Service Bulletin and the Proposed AD

Boeing Service Bulletin 737–57–1065, Revision 3, describes visual inspections of the outboard flap to detect looseness, gaps, and missing or damaged rub strips and shims. Operators should note that the proposed AD would not require these inspections. This decision is based on the fact that the intent of this proposed AD is to detect and correct corrosion and cracking of the inboard track of the outboard flap where the track attaches to the rear spar. The FAA finds that the visual inspections described in the service bulletin were not intended to detect corrosion or cracks, and therefore may not ensure that any corrosion or cracking is detected in a timely manner. Therefore, this proposed AD would require repetitive visual inspections to detect corrosion, and repetitive HFEC inspections to detect cracking, of the inboard track of each outboard flap in order to ensure that any corrosion cracking is detected in a timely manner.

In addition, the service bulletin describes a one-time visual inspection to determine if the inboard attachment bolt holes are aligned properly. Operators should note that this proposed AD does not require that inspection because the FAA finds that it is not relevant to detection of cracks.

Operators also should note that, although the actions described in the service bulletin are specified for both the inboard and outboard tracks of each outboard flap, this proposed AD is applicable only to the inboard track of each outboard flap. This decision is based upon the fact that the inboard track of the outboard flap is more heavily loaded than the outboard track, and corrosion cracking has been reported only on the inboard track.

Operators also should note that the effectivity listing of the service bulletin specifies only Boeing Model 737 series airplanes having line numbers (L/N) 1 through 869 inclusive. This AD is applicable to Boeing Model 737–100, –200, and –200C series airplanes having L/N's 1 through 869 inclusive; as well as Boeing Model 737–100, –200, and –200C series airplanes having L/N's 870 through 1585 inclusive, on which the #2 or #7 flap track has been replaced with a part having certain Boeing part numbers. The subject flap tracks may have been removed from an airplane having a L/N 1 through 869 and re-installed, without being inspected, on another airplane having a L/N 870 through 1585. Therefore, to ensure that cracking on the subject flap tracks is detected in a timely manner, the FAA finds it necessary to expand the applicability of this AD by mandating one-time inspections of airplanes with L/N's 870 through 1585 inclusive on which certain flap tracks have been installed.

Cost Impact

There are approximately 1,020 airplanes of the affected design in the worldwide fleet. The FAA estimates that 394 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 16 work hours per airplane to accomplish the proposed inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $378,240, or $960 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the optional terminating action that would be provided by this AD action, it would take approximately 96 work hours to accomplish it, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $548 per airplane. Based on these figures, the cost impact of the optional terminating action would be $6,308 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 99–NM–21–AD.

Applicability: Model 737–100, –200, and –200C series airplanes, line numbers (L/N) 1 through 869 inclusive; and Model 737–100, –200, and –200C series airplanes, L/N 870 through 1585 inclusive, on which the #2 or #7 flap track has been replaced with a part having a part number (P/N) listed in Table 1 of this AD; certificated in any category.

TABLE 1.—BOEING FLAP TRACKS SUBJECT TO THIS AD

Name	Part No.
Boeing	65–67158–2
	65–67158–3
	65–46428–2
	65–46428–3
	65–46428–5
	65–46428–7
	65–46428–9
	65–46428–11
	65–46428–15
	65–46428–17
	65–46428–19
	65–46428–21
	65–46428–23
	65–46428–25
	65–46428–27
	65–46428–33

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been

eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct corrosion or cracking of the inboard track of each outboard flap where the track attaches to the rear spar, which could result in loss of the outboard trailing edge flap and consequent reduced controllability of the airplane, accomplish the following:

Inspections

(a) Within 18 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Perform a detailed visual inspection to detect corrosion on the surface and edges of the inboard track of each outboard flap where the track attaches to the rear spar.

(2) Perform a high frequency eddy current (HFEC) inspection to detect cracking on the surface and edges of the inboard track of each outboard flap where the track attaches to the rear spar, in accordance with Subject 51–00–00, Figure 13, of the Boeing 737 Nondestructive Test (NDT) Manual (Boeing Document D6–37239); and remove the attachment bolts and perform an open-hole HFEC inspection of the bolt holes for cracking, in accordance with Subject 51–00–00, Figure 2 or 19, of the Boeing 737 NDT Manual.

(b) For airplanes having L/N 1 through 869 inclusive, on which no corrosion or cracking is detected during the inspections required by paragraph (a) of this AD: Prior to further flight, re-install the attachment bolts. Repeat both inspections thereafter at intervals not to exceed 18 months.

(c) For airplanes having L/N 870 through 1585 inclusive, on which replacement flap tracks are installed, and on which no corrosion or cracking is detected during the inspections required by paragraph (a) of this AD: No further action is required by this AD.

Repair

(d) If any corrosion or cracking is detected during any inspection required by paragraph (a) or (b) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, as required by this paragraph, the approval letter must specifically reference this AD.

Optional Terminating Action

(e) Modification of the interface between the inboard track of each outboard flap and the rear spar in accordance with Boeing Service Bulletin 737–57–1065, Revision 3, dated December 17, 1982, constitutes terminating action for the repetitive inspection requirement of paragraph (b) of this AD.

Alternative Methods Of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 20, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10347 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–133–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), which would have superseded an existing AD that is applicable to certain Boeing Model 737–100, –200, –300, –400, and –500 series airplanes. The existing AD currently requires an inspection of reworked aileron/elevator power control units (PCU's) and rudder PCU's to determine if reworked PCU manifold cylinder bores containing chrome plating are installed, and replacement of the cylinder bores with bores that have been reworked using the oversize method or the steel sleeve method, if necessary. This action, among other items, revises the previously proposed rule by expanding the applicability of the existing AD to include airplanes equipped with certain rudder PCU's. The actions specified by this new proposed AD are intended to prevent a reduced rate of movement of the elevator, aileron, or rudder due to contamination of hydraulic fluid from chrome plating chips; such reduced rate of movement, if not corrected, could result in reduced controllability of the airplane.

DATES: Comments must be received by May 21, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Don Kurle, Senior Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2798; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following

statement is made: ''Comments to Docket Number 97–NM–133–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–133–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 737–100, –200, –300, –400, and –500 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 19, 1998 (63 FR 8369). That NPRM would have superseded AD 97–09–14, amendment 39–10010 (62 FR 24008, May 2, 1997), to continue to require an inspection of reworked aileron/elevator power control units (PCU's) and rudder PCU's to determine if reworked PCU manifold cylinder bores containing chrome plating are installed, and replacement of the cylinder bores with bores that have been reworked using the oversize method or the steel sleeve method, if necessary. That NPRM would have expanded the applicability of the existing AD to include airplanes equipped with rudder PCU's having part number (P/N) 65C37052–(). That NPRM also would have revised the existing AD to exclude rudder PCU's (in addition to aileron/elevator actuators) having serial numbers that contain ''ss'' from the requirements of the proposed AD. That NPRM was prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified in that NPRM were intended to prevent a reduced rate of movement of the elevator, aileron, or rudder due to contamination of hydraulic fluid from chrome plating chips; such reduced rate of movement, if not corrected, could result in reduced controllability of the airplane.

Actions Since Issuance of Previous Proposal

Due consideration has been given to the comments received in response to the NPRM.

Two commenters support the proposed rule.

Requests To Add a Certain Rudder PCU to the Requirements of the Proposed AD

Several commenters state that rudder PCU's having P/N 65C37053-( ) are subject to the identified unsafe condition, and therefore, should be included in the applicability statement and paragraphs (d) and (f) of the proposed AD. The commenters note that AD 97–14–04, amendment 39–10061 (62 FR 35068, June 30, 1997), requires replacement of rudder PCU's having P/N 65C37052-( ) with PCU's having P/N 65C37053-( ). The commenters point out that PCU's having P/N 65C37053-( ) are upgraded from the same base PCU as the PCU's having P/N 65C37052-( ). The FAA concurs. The FAA inadvertently omitted PCU, P/N 65C37053-( ), from the requirements of the proposed AD. Therefore, the FAA has revised the applicability statement and paragraphs (d) and (f) of the supplemental NPRM accordingly.

Request To Allow Replacement With New Manifolds

One commenter requests that the FAA revise paragraphs (b) and (e) of the proposed AD to allow PCU manifolds containing chrome plated cylinder bores to be replaced with new manifolds, in addition to bores that have been reworked using the oversize method or the steel method. The commenter states that the original equipment manufacturer has not produced PCU manifolds with chrome plated cylinder bores since 1985. The FAA concurs. The FAA has confirmed with Boeing that manifolds with chrome plated bores have not been produced since 1985. Therefore, the FAA has revised the requirements of paragraphs (b) and (e) of the supplemental NPRM to include an option of replacing the cylinder bores containing chrome plating with PCU manifold cylinder bores that were manufactured after December 31, 1985, in lieu of replacing the cylinder bores that have been reworked using the oversize method or steel sleeve method. In addition, the proposed requirements of those paragraphs have been revised to allow operators to replace the rudder, aileron, or elevator PCU with a certain PCU, as applicable.

Request To Delete Reference to Incorrect Service Letter

One commenter requests that the sentence ''accomplish the replacement in accordance with the service letter'' be deleted from paragraphs (b) and (e) of the proposed AD. The commenter states the Boeing Service Letter 737–SL–27–30, dated April 1, 1985, does not contain any replacement instructions. The commenter contends that the service letter recommends the removal of the chrome bores and advises of alternative repair methods.

The FAA concurs partially. The FAA acknowledges that the subject service letter does not contain replacement procedures for accomplishment of the requirements of paragraphs (b) and (e) of the AD. The FAA has consulted with Boeing and determined that the following chapters of the Boeing 737 Airplane Maintenance Manual (AMM) contain the appropriate procedures for accomplishment of the actions specified in paragraphs (b) and (e) of this AD:

- Chapter 27–11–71 (for Model 737–100, –200, –300, –400, and –500 series airplanes) for replacement of the aileron PCU;
- Chapter 27–31–101 (for Model 737–100 and –200 series airplanes), and Chapter 27–31–14 (for Model 737–300, –400, and –500 series airplanes) for replacement of the elevator PCU; and
- Chapter 27–21–91 (for Model 737–100, –200, –300, –400, and –500 series airplanes) for replacement of the rudder PCU.

Therefore, the FAA has revised paragraphs (b) and (e) of the supplemental NPRM to reference these chapters of the AMM as the appropriate sources of service information for accomplishment of the actions specified in paragraphs (b)(1), (b)(2), (b)(3), (e)(1), and (e)(2), as applicable.

Requests To Accept Previously Approved Alternative Method of Compliance (AMOC)

Two commenters request that the inspection method specified in Boeing Service Letter 737–SL–27–120, dated January 28, 1998, be considered acceptable for compliance with the inspection requirements of paragraphs (a) and (d) of the proposed AD. One of these commenters states that the FAA approved this inspection method as an AMOC in accordance with AD 97–09–14. The other commenter states that the subject inspection method can be accomplished without removing the PCU's from the airplanes and disassembling them. The FAA concurs with the commenters' request. The FAA has added a new paragraph (g)(2) to the supplemental NPRM to include a statement that reflects this point.

Conclusion

Since some of these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 2,675 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA

estimates that 1,091 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 97–09–14, and retained in this proposed AD, take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $327,300, or $300 per airplane.

The new actions that are proposed in this AD action would take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $300 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10010 (62 FR 24008, May 2, 1997), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 97–NM–133–AD. Supersedes AD 97–09–14, Amendment 39–10010.

Applicability: Model 737–100, -200, -300, -400, and -500 series airplanes, certificated in any category; equipped with the following power control units (PCU):

- a rudder PCU, having part number (P/N) 65–44861-( ), P/N 65C37052-( ), or P/N 65C37053-( ) (except those having serial numbers that contain ''ss''), and a serial number less than 1252A; or
- an aileron or elevator PCU having P/N 65–44761-( ) (except those having serial numbers that contain an ''ss'') and a serial number less than 5360A.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g)(1) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a reduced rate of movement of the elevator, aileron, or rudder, which, if not corrected, could result in reduced controllability of the airplane, accomplish the following:

(a) Perform an inspection of reworked or overhauled aileron and elevator PCU's having P/N 65–44761-( ) (except those having serial numbers that contain an ''ss''), and a serial number less than 5360A; and rudder PCU's having P/N 65–44861-( ) and a serial number less than 1252A (except those having serial numbers that contain ''ss''); to determine if reworked PCU manifold cylinder bores containing chrome plating are installed, in accordance with Boeing Service Letter 737-SL–27–30, dated April 1, 1985. Accomplish the inspection at the earlier of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Within 5 years or 15,000 flight hours after June 6, 1997 (the effective date of AD 97–09–14, amendment 39–10010), whichever occurs first.

(2) At the next time the PCU is sent to a repair facility.

(b) If any reworked PCU manifold cylinder bores containing chrome plating are found to be installed during the inspection required by paragraph (a) of this AD: Prior to further flight, accomplish the actions specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD in accordance with Chapter 27–11–71 (for Model 737–100, -200, -300, -400, and -500 series airplanes), Chapter 27–31–101 (for Model 737–100 and -200 series airplanes), or Chapter 27–31–14 (for Model 737–300, -400, and -500 series airplanes) of Boeing 737 Airplane Maintenance Manual (AMM); as applicable.

(1) Replace the cylinder bores with bores that were manufactured after December 31, 1985, or with bores that have been reworked using the oversize method or the steel sleeve method specified in Boeing Service Letter 737-SL–27–30, dated April 1, 1985.

(2) Replace the aileron or elevator PCU with a PCU containing the letters ''ss'' in its serial number or with a PCU having a serial number of 5306A or higher.

(3) Replace the rudder PCU with a PCU containing the letters ''ss'' in its serial number or with a PCU having a serial number of 1252A or higher.

(c) As of June 6, 1997, no person shall install a reworked PCU manifold cylinder bore containing chrome plating on an aileron or elevator PCU having P/N 65–44761-( ), or on a rudder PCU having P/N 65–44861-( ), on any airplane unless the cylinder bore has been reworked using the oversize method or the steel sleeve method specified in Boeing Service Letter 737-SL–27–30, dated April 1, 1985.

(d) Perform an inspection of reworked or overhauled rudder PCU's having P/N 65C37052-( ) or P/N 65C37053-( ) and a serial number less than 1252A (except those having serial numbers that contain ''ss'') to determine if reworked PCU manifold cylinder bores containing chrome plating are installed, in accordance with Boeing Service Letter 737-SL–27–30, dated April 1, 1985. Accomplish the inspection at the earlier of the times specified in paragraphs (d)(1) and (d)(2) of this AD.

(1) Within 5 years or 15,000 flight hours after the effective date of this AD, whichever occurs first.

(2) At the next time the PCU is sent to a repair facility.

(e) If any reworked PCU manifold cylinder bores containing chrome plating are found to be installed during the inspection required by paragraph (d) of this AD: Prior to further flight, accomplish the actions specified in paragraph (e)(1) or (e)(2) of this AD in accordance with Chapter 27–21–91 (for Model 737–100, -200, -300, -400, and -500 series airplanes) of Boeing 737 Airplane Maintenance Manual (AMM).

(1) Replace the cylinder bores with bores that were manufactured after December 31, 1985, or with bores that have been reworked using the oversize method or the steel sleeve method specified in Boeing Service Letter 737–SL–27–30, dated April 1, 1985.

(2) Replace the rudder PCU with a PCU containing the letters ''ss'' in its serial

number or with a PCU having a serial number of 1252A or higher.

(f) As of the effective date of this AD, no person shall install a reworked PCU manifold cylinder bore containing chrome plating on a rudder PCU having P/N 65C37052–( ) or P/N 65C37053–( ) on any airplane unless the cylinder bore has been reworked using the oversize method or the steel sleeve method specified in Boeing Service Letter 737–SL–27–30, dated April 1, 1985.

(g)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(g)(2) Alternative methods of compliance, approved previously in accordance with AD 97–09–14, amendment 39–10010, are approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 20, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10346 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–07–AD]

RIN 2120–AA64

Airworthiness Directives; Stemme GmbH & Co. KG Model S10–VT Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Stemme GmbH & Co. KG (Stemme) Model S10–VT sailplanes. The proposed AD would require modifying the wastegate control in order to eliminate heat damage. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent the wastegate control from malfunctioning because of heat damage, which could result in loss of automatic manifold pressure control and engine damage.

DATES: Comments must be received on or before May 28, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–07–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Stemme GmbH & Co. KG, Gustav-Meyer-Allee 25, D–13355 Berlin, Germany; telephone: 49.33.41.31.11.70; facsimile: 49.33.41.31.11.73. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–CE–07–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–07–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Stemme Model S10–VT sailplanes. The LBA reports instances of heat damage to the wastegate control cable with one malfunction of the wastegate control. This caused damage in the turbocharger pressure oil tubes and their mountings.

This condition, if not corrected in a timely manner, could result in loss of automatic manifold pressure control and engine damage.

Relevant Service Information

Stemme has issued Service Bulletin No. A31–10–034, Amendment 01.a, pages 3 and 4, dated July 24, 1998, which specifies procedures for modifying the wastegate control in order to eliminate heat damage.

The LBA classified this service bulletin as mandatory and issued German AD 1998–400, dated October 22,1998, in order to assure the continued airworthiness of these sailplanes in Germany.

The FAA's Determination

This sailplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or

develop in other Stemme Model S10-VT sailplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require modifying the wastegate control in order to eliminate heat damage. Accomplishment of the proposed action would be required in accordance with the service information previously referenced.

Cost Impact

The FAA estimates that 6 sailplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per sailplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $150 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,340, or $390 per sailplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Stemme GMBH & Co. KG: Docket No. 99-CE–07-AD.

Applicability: Model S10-VT sailplanes, serial numbers 11–004 through 11–006 and 11–008 through 11–013, certificated in any category.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 3 calendar months after the effective date of this AD, unless already accomplished.

To prevent the wastegate control from malfunctioning because of heat damage, which could result in loss of automatic manifold pressure control and engine damage, accomplish the following:

(a) Modify the wastegate control in order to eliminate heat damage, in accordance with the Instructions section of Stemme Service Bulletin No. A31–10–034, Amendment 01.a, pages 3 and 4, dated July 24, 1998.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to Stemme Service Bulletin No. A31–10–034, Amendment 01.a, dated July 24, 1998, should be directed to Stemme GmbH & Co. KG, Gustav-Meyer-Allee 25, D–13355 Berlin, Germany; telephone: 49.33.41.31.11.70; facsimile: 49.33.41.31.11.73. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 1998–400, dated October 22, 1998.

Issued in Kansas City, Missouri, on April 19, 1999.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10311 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–06–AD]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASH 26E Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 98–09–09, which currently requires replacing the internal cooling air fan with a fan that incorporates a white impeller on all Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASH 26E sailplanes. The proposed AD would require inspecting the internal cooling air fan for damage, and replacing any fan that does not incorporate a black impeller with a fan that incorporates a black impeller either immediately or at a certain time period, depending on the results of the inspection. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent failure of the internal cooling system air fan caused by a certain design configuration of the impeller, which could cause the engine to overheat with possible engine failure.

DATES: Comments must be received on or before June 8, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–06–

AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–CE–06–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–06–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 98–09–09, Amendment 39–10489 (63 FR 20308, April 24, 1998), currently requires replacing the internal cooling air fan with a fan that incorporates a white impeller, part number (P/N) R1K059, on all Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASH 26E sailplanes. Accomplishment of that action is required in accordance with Alexander Schleicher Technical Note No. 1, dated October 31, 1996; and Mid-West Engines Ltd. Service Bulletin No. 001, dated October 5, 1996.

AD 98–09–09 was a result of a report from the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, that the impeller of the internal cooling air fan on the above-referenced sailplanes could slip and result in a reduction of pressure in the internal cooling system. The higher internal temperatures that will follow could cause the engine to overheat with possible engine failure.

Actions Since Issuance of Previous Rule

The LBA recently notified the FAA that an unsafe condition may exist on these Alexander Schleicher Model ASH 26E sailplanes. The LBA advises that the internal cooling air fan installed on the affected sailplanes as required by AD 98–09–09 incorporates a white impeller, P/N R1K059. This type of impeller was installed in one of the affected airplanes that had an in-flight malfunction. Research of this malfunction reveals that the design of the white impeller is not adequate and an improved design impeller should be installed.

This condition, if not corrected in a timely manner, could cause the engine to overheat with possible engine failure.

Relevant Service Information

Alexander Schleicher has issued Technical Note No. 5, dated July 23, 1998, which specifies procedures for inspecting the internal cooling air fan for damage. Mid-West Service Bulletin No. 02, dated November 13, 1997, includes procedures for replacing any fan that does not incorporate a black impeller, P/N R1K074, with a fan that incorporates a P/N R1K074 impeller.

The LBA classified this service bulletin as mandatory and issued German AD 1998–391, dated October 8, 1998, in order to assure the continued airworthiness of these sailplanes in Germany.

The FAA's Determination

This sailplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Alexander Schleicher ASH 26E sailplanes of the same type design registered in the United States, the FAA is proposing AD action to supersede AD 98–09–09. The proposed AD would require inspecting the internal cooling air fan for damage, and replacing any fan that does not incorporate a black impeller, P/N R1K074, with a fan that incorporates a P/N R1K074 impeller. The replacement would be accomplished either immediately or at a certain time period, depending on the results of the inspection.

Accomplishment of the proposed action would be required in accordance with the service information previously referenced.

Differences Between the Service Bulletin, the German AD, and This Proposed AD

Alexander Schleicher Technical Note No. 5, dated July 23, 1998, specifies inspecting the internal air cooling air fan prior to further flight, and German AD 1998–391, dated October 8, 1998, requires this inspection prior to further flight on sailplanes registered in Germany.

The FAA does not have justification to require this inspection prior to further flight. The FAA is proposing this inspection ''within the next 30 calendar days after the effective date of the AD.'' The FAA is proposing the replacement ''within the next 9 calendar months after the effective date of the AD'', or if damage is found during the inspection, ''prior to further flight.''

Compliance Time of the Proposed AD

Although a damaged impeller blade is only unsafe while the affected sailplanes are in flight, the condition could occur at any time. For example, damage could occur on one sailplane with 25 hours time-in-service (TIS)

while not occurring on another until 250 hours TIS. This is due to different usage levels and the various ways sailplanes are operated and utilized. In addition, the average monthly usage of the affected sailplane ranges throughout the fleet. For example, one owner may operate the sailplane 25 hours TIS in one week, while another operator may operate the sailplane 25 hours TIS in one year. In order to assure that the unsafe condition is detected and corrected on all affected sailplanes in a timely manner without inadvertently grounding any affected sailplane, the FAA is proposing compliance based on calendar time instead of hours TIS.

Cost Impact

The FAA estimates that 9 sailplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 14 workhours per sailplane to accomplish the proposed AD, and that the average labor rate is approximately $60 an hour. Parts are available from the manufacturer at no cost. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $7,560, or $840 per sailplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98–09–09, Amendment 39–10489 (63 FR 20308, April 24, 1998), and by adding a new airworthiness directive (AD) to read as follows:

Alexander Schleicher Segelflugzeugbau: Docket No. 99–CE–06–AD.

Applicability: Model ASH 26E sailplanes, all serial numbers, certificated in any category; that are equipped with an internal cooling system air fan that does not incorporate a black impeller, part number (P/N) R1K074.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent failure of the internal cooling system air fan caused by a certain design configuration of the impeller, which could cause the engine to overheat with possible engine failure, accomplish the following:

(a) Within the next 30 calendar days after the effective date of this AD, inspect the internal cooling air fan for damage in accordance with Alexander Schleicher Technical Note No. 5, dated July 23, 1998.

(b) Replace the internal cooling system air fan with a fan that incorporates a black impeller, P/N R1K074, at whichever of the compliance times below (paragraphs (b)(1) and (b)(2) of this AD) that applies. Accomplish this replacement in accordance with Mid-West Service Bulletin No. 02, dated November 13, 1997:

(1) Prior to further flight if damage is found in the internal cooling air fan during the inspection required by paragraph (a) of this AD; or

(2) Within the next 9 calendar months after the effective date of this AD if damage is not found during the inspection required by paragraph (a) of this AD.

(c) As of the effective date of this AD, no person may install, on any affected sailplane, an internal cooling system air fan that does not incorporate a black impeller, P/N R1K074, as specified in Mid-West Service Bulletin No. 02, dated November 13, 1997; and Alexander Schleicher Technical Note No. 5, dated July 23, 1998.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) Questions or technical information related to Alexander Schleicher Technical Note No. 5, dated July 23, 1998, should be directed to Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 1998–391, dated October 8, 1998.

Issued in Kansas City, Missouri, on April 19, 1999.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10312 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Chapter IX

[Docket No. FR–4459–N–03]

Section 8 Housing Certificate Fund Rule; Notice of Establishment of Negotiated Rulemaking Committee and Notice of First Meeting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Establishment of Negotiated Rulemaking Advisory Committee and notice of first meeting.

SUMMARY: HUD announces the establishment of a negotiated

rulemaking advisory committee under the Federal Advisory Committee Act. The establishment of the committee is required by the Quality Housing and Work Responsibility Act of 1998, which requires issuance of regulations under the Negotiated Rulemaking Act of 1990. The purpose of the Committee is to discuss and negotiate a rule that would change the current method of distributing funds to public housing agencies (PHAs) for purposes of renewing assistance contracts in the tenant-based Section 8 program. The committee will consist of persons representing stakeholder interests in the outcome of the rule. This notice announces the committee members and the dates, location, and agenda for the first committee meeting.

DATES: The first committee meeting will be held on April 27 and 28, 1999. On both days, the meeting will begin at approximately 9:00 am and conclude at approximately 5:00 pm.

ADDRESSES: The first committee meeting will take place at the Hyatt Dulles Hotel (Concorde Ballroom), 2300 Dulles Corner Boulevard, Herndon, VA 22701.

FOR FURTHER INFORMATION CONTACT: Robert Dalzell, Senior Program Advisor, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, Room 4204, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 708–1380 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On October 21, 1998, the Congress enacted the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461) (the ''1998 Act''). The 1998 Act made significant changes to HUD's public and assisted housing programs. These changes include the addition of a new section 8(dd) to the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*).

The new section 8(dd) specifies the method to be used by HUD in calculating assistance provided to public housing agencies (PHAs) to renew Section 8 tenant-based rental and voucher contracts. Specifically, section 8(dd) directs HUD to establish an allocation baseline amount of assistance (budget authority) to cover the renewals, and to apply an inflation factor (based on local or regional factors) to the baseline.

Section 556(b) of the 1998 Act requires HUD to implement section 8(dd) through notice not later than December 31, 1998, and to issue final regulations on this subject that are developed through the negotiated rulemaking process no later than October 21, 1999. On December 30, 1998, HUD issued Public and Indian Housing (PIH) Notice 98–65, which advised PHAs on how HUD is calculating the amount of assistance available for purposes of Section 8 tenant-based rental certificate and voucher contract renewals. On February 18, 1999 (64 FR 8188), HUD published a notice in the **Federal Register** providing, for the benefit of the public, the contents of PIH Notice 98–65.

On March 19, 1999 (64 FR 13531), HUD published a notice of intent to establish an advisory committee to discuss and negotiate a proposed rule that would implement new section 8(dd). The basic concept of negotiated rulemaking is to have the agency that is considering drafting a rule bring together representatives of affected interests for face-to-face negotiations that are open to the public. The give-and-take of the negotiation process is expected to foster constructive, creative and acceptable solutions to difficult problems. The March 19, 1999 notice: (1) Advised the public of HUD's intent to establish the negotiated rulemaking committee; (2) solicited public comments on the proposed membership of the committee; and (3) explained how persons could be nominated for membership on the committee.

II. The Negotiated Rulemaking Advisory Committee

This notice announces HUD's establishment of the Negotiated Rulemaking Advisory Committee on Section 8 Tenant-Based Contract Renewal Allocation. As noted above, the March 19, 1999 notice tentatively identified a list of possible interests and parties to be represented on the negotiated rulemaking committee, and requested public comment on the proposed committee membership. The public comment period on the March 19, 1999 notice closed on April 19, 1999. HUD has carefully considered the 10 comments received on the proposed committee membership.

The list of committee members includes representatives from PHAs, public interest groups, national/regional PHA associations, independent accounting firms, and HUD. Additionally, five members of the Consensus Building Institute, Inc. will serve as facilitators. The list of members for the Negotiated Rulemaking Advisory Committee on Section 8 Tenant-Based Contract Renewal Allocation is as follows:

Housing Agencies

1. Massachusetts Department of Housing and Community Development, Boston, MA
2. New Jersey Department of Community Affairs, Trenton, NJ
3. Southeastern Minnesota Multi-County Housing and Redevelopment Authority, Wabasha, MN
4. Oklahoma Housing Finance Agency, Oklahoma City, OK
5. Fort Worth Housing Authority, Fort Worth, TX
6. Minneapolis Metropolitan Council Housing and Redevelopment Agency, Saint Paul, MN
7. Santa Cruz County Housing Authority, Santa Cruz, CA
8. Burlington Housing Authority, Burlington, VT
9. Michigan State Housing Development Authority, Lansing, MI
10. New York City Housing Authority, NYC, NY
11. Atlanta Housing Authority, Atlanta, GA
12. Cincinnati Metropolitan Housing Authority, Cincinnati OH
13. Housing Authority of the City of Los Angeles, Los Angeles, CA
14. Stillwater Housing Authority, Stillwater, OK
15. Spokane Housing Authority, Spokane, WA
16. Jacksonville Housing Authority, Jacksonville, FL
17. FCHA, Bay County, FL
18. Alameda County Housing Authority, Alameda, CA
19. Housing Authority of New Orleans, New Orleans, LA
20. Stustman County Housing Authority, Stustman County, ND

Public Interest Groups

1. Center on Budget and Policy Priorities, Washington, D.C.
2. New Community Corporation, Newark, NJ
3. Disability Rights Action Coalition for Housing
4. Section 8 Residents Council of New Orleans, Inc., New Orleans, LA

Independent Accounting Firms

1. Fenton, Ewald & Associates, PC
2. Orion Consulting, Inc.

National/Regional PHA Associations

1. National Leased Housing Association (NLHA)
2. National Association of Housing and Redevelopment Officials (NAHRO)
3. Council of Large Public Housing Authorities (CLPHA)

4. Public Housing Authority Directors Association (PHADA)

Federal Government

1. U.S. Department of Housing and Urban Development

In addition to the list of committee members noted above, HUD has identified the following two organizations as possible alternate or additional members of the negotiated rulemaking committee:

1. Southeast Regional Section 8 Housing Association (SERSHA)
2. Richmond Better Housing Coalition, Richmond, VA

III. First Committee Meeting

The first meeting of the negotiated rulemaking committee will be held on April 27 and April 28, 1999. On both days, the meeting is expected to start at 9 am and run until approximately 5 pm. On both days, the meeting will take place at the Hyatt Dulles Hotel (Concorde Ballroom), 2300 Dulles Corner Boulevard, Herndon, VA 22701.

The agenda planned for the meeting includes: (1) orienting members to the negotiated rulemaking process; (2) establishing a basic set of understandings and ground rules (protocols) regarding the process that will be followed in seeking a consensus; and (3) discussion of the issues relating to the development of regulations implementing new section 8(dd).

The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this document. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting document at least 15 calendar days before the date of an advisory committee meeting (see 41 CFR 105–54.301(i)). The GSA regulations, however, also provide that an agency may give less than 15 days document if the reasons for doing so are included in the **Federal Register** meeting document. (See 41 CFR 105–54.301(j).) Given the strict statutory deadline for implementation of new section 8(dd), HUD believes it is imperative that the negotiations for development of the regulations begin as soon as possible. Failure to publish the final rule on a timely basis will delay the provision of Section 8 tenant-based renewal funding to PHAs. Accordingly, rather than defer the start of the negotiations, HUD has decided to proceed with the committee meeting announced in the March 19, 1999 notice.

Dated: April 21, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–10461 Filed 4–23–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Chapter IX

[Docket No. FR–4423–N–02]

Capital Fund Rule; Notice of Establishment of Negotiated Rulemaking Committee and Notice of First Meeting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Establishment of Negotiated Rulemaking Advisory Committee and notice of first meeting.

SUMMARY: HUD announces the establishment of a negotiated rulemaking advisory committee under the Federal Advisory Committee Act. The establishment of the committee is required by the Quality Housing and Work Opportunity Act of 1998, which requires issuance of regulations under the Negotiated Rulemaking Act of 1990. The purpose of the Committee is to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to public housing agencies (PHAs). The committee consists of representatives with a definable stake in the outcome of a proposed rule. This document announces the committee members and the dates, location, and agenda for the first committee meeting.

DATES: The first committee meeting will be held on April 28–29, 1999. On April 28, 1999, the meeting will start at approximately 10:00 am and run until completion; on April 29, 1999, the meeting will start at 9:00 am and run until approximately 5:00 pm.

ADDRESSES: The first committee meeting will take place at the Tysons Corner Doubletree Hotel, 7801 Leesburg Pike, Falls Church, VA 22043; telephone (703) 893–1340.

FOR FURTHER INFORMATION CONTACT: William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 708–1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

HUD currently uses a formula approach called the Comprehensive Grant Program (CGP) to distribute capital funds to large public housing agencies (PHAs) (i.e. PHAs with 250 units or more) and a competitive program called the Comprehensive Improvement Assistance Program (CIAP) for small PHAs (i.e., PHAs with less than 250 units). A regulatory description of the CGP and CIAP can be found at 24 CFR part 968. Generally, the amount of capital funding received by a PHA is based on the number of units, type of units, condition of its units, cost of construction in the area and prior funding. While the amount can vary, it is the only source of capital funding that most PHAs receive to make major capital investments in its public housing stock. For example, in 1998, HUD distributed over $2.1 billion in capital funds for CGP and $307 million for CIAP to PHAs for 830 PHAs and over 900 PHAs respectively.

On March 19, 1999 (64 FR 13533), HUD published a notice of intent to establish an advisory committee to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to PHAs. The establishment of the committee is required by the Quality Housing and Work Responsibility Act of 1996 (Pub.L. 105–276, approved October 21, 1998; 112 Stat. 2461) (the ''1998 Act''). The 1998 Act makes extensive changes to HUD's public and assisted housing programs. These changes include the establishment of a Capital Fund for the purpose of making assistance available to PHAs for capital and management activities of public housing under Section 9(d) of the U.S. Housing Act of 1937, as amended.

The 1998 Act requires that the assistance to be made available from the new Capital Fund be determined using a formula developed through negotiated rulemaking procedures. The basic

concept of negotiated rulemaking is to have the agency that is considering drafting a rule bring together representatives of affected interests for face-to-face negotiations that are open to the public. The give-and-take of the negotiation process is expected to foster constructive, creative and acceptable solutions to difficult problems. The effective date of the Capital Fund formula (the beginning date of the fiscal year for which PHAs will determine their capital eligibility using the new formula) is October 1, 1999. Accordingly, HUD hopes to publish a final rule that will take effect by October 1, 1999 to implement the Capital Fund formula.

The March 19, 1999 notice: (1) advised the public of HUD's intent to establish the negotiated rulemaking committee; (2) solicited public comments on the proposed membership of the committee; and (3) explained how persons could be nominated for membership on the committee.

II. The Negotiated Rulemaking Advisory Committee

This notice announces HUD's establishment of the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation. As noted above, the March 19, 1999 notice tentatively identified a list of possible interests and parties to be represented on the negotiated rulemaking committee, and requested public comment on the proposed committee membership. The public comment period on the March 19, 1999 notice closed on April 19, 1999. HUD has carefully considered the 13 comments received on the proposed committee membership.

The list of committee members includes representatives of PHAs, PHA organizations, tenant groups, public interest groups, and HUD. Additionally, two members of the Federal Mediation and Conciliation Service will serve as facilitators. The list of members for the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation is as follows:

National PHA Associations

1. Council of Large Public Housing Authorities (CLPHA)
2. National Association of Housing Renewal Officials (NAHRO)
3. Public Housing Authority Directors Association (PHADA)
4. National Organization of African Americans in Housing (NOAAH)

Housing Authorities

1. Philadelphia Housing Authority, Philadelphia, PA
2. Chicago Housing Authority, Chicago, IL
3. Dallas Housing Authority, Dallas, TX
4. Puerto Rico Public Housing Administration, San Juan, PR
5. Seattle Housing Authority, Seattle, WA
6. New York City Housing Authority, New York, NY
7. Dayton Housing Authority, Dayton, OH
8. Jersey City Housing Authority, Jersey City, NJ
9. San Diego Housing Authority, San Diego, CA
10. Macon Housing Authority, Macon, GA
11. Sanford Housing Authority, Sanford, ME
12. Housing Authority of the City of San Benito, San Benito, TX
13. City of La Junta Housing Authority, La Junta, CO
14. Housing Authority of the Town of Laurinburg, Laurinburg, NC
15. Madison Housing Authority, Madison, NJ

Tenant and Community Organizations

1. Guinotte Manor Tenant Association, Kansas City, MO
2. Center for Community Change, Washington, DC
3. Hillside Family Resource Center, Milwaukee, WI
4. Mount Pleasant Estates Tenant Association, Newark, NJ

Other Groups

1. National Housing Conference
2. U.S. Conference of Mayors
3. Fannie Mae
4. National Low-Income Housing Coalition

Federal Government

1. U.S. Department of Housing and Urban Development

HUD will also invite a group of technical advisors to assist, where appropriate, in Committee deliberations. This group consists of non-profit and for-profit developers and other individuals who have had experience in mixed-finance development, the HOPE VI program, or other relevant experience.

III. First Committee Meeting

The first meeting of the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation will be held on April 28 and April 29, 1999. On April 28, 1999, the meeting will start at 10 am and run until completion; on April 29, 1999, the meeting will start at 9 am and run until approximately 5 pm. On both days, the meeting will take place at the Tysons Corner Doubletree Hotel, 7801 Leesburg Pike, Falls Church, VA 22043; telephone (703) 893–1340.

The agenda planned for the meeting includes: (1) Orienting members to the negotiated rulemaking process; (2) establishing a basic set of understandings and ground rules (protocols) regarding the process that will be followed in seeking a consensus; and (3) discussion of the issues relating to the development of a Capital Fund formula.

The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this document. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting document at least 15 calendar days before the date of an advisory committee meeting (see 41 CFR 105–54.301(i)). The GSA regulations, however, also provide that an agency may give less than 15 days document if the reasons for doing so are included in the **Federal Register** meeting document. (See 41 CFR 105–54.301(j).) Given the strict statutory deadline for implementation of the Capital Fund formula, HUD believes it is imperative that the negotiations for development of the formula begin as soon as possible. Failure to publish the Capital Fund final rule on a timely basis will delay the provision of capital funds to PHAs. Accordingly, rather than defer the start of the negotiations, HUD has decided to proceed with the committee meeting announced in the March 19, 1999 notice.

IV. Future Committee Meetings

Decisions with respect to future meetings will be made at the first meeting and from time to time thereafter. Additional committee meetings are tentatively scheduled for May 11–12 and May 25–26, 1999, at a location within the Washington, DC area to be determined. Notices of future meetings will be published in the **Federal Register**.

Dated: April 21, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–10463 Filed 4–23–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Chapter I

[USCG–1998–4501]

RIN 2115–AF68

Improvements to Marine Safety in Puget Sound-Area Waters

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting and availability of Statement of Work.

SUMMARY: The Coast Guard announces a meeting to describe the methodology for a cost-benefit analysis of potential rules that would improve marine safety in Puget Sound-Area waters. The meeting is being held in conjunction with a meeting regarding the Port Access Routes Study; Strait of Juan de Fuca and Adjacent Waters (15 April 1999; 64 FR 18651).

DATES: The meeting will be held on May 12, 1999, from 9 a.m. to 12 p.m. The meeting may conclude early if all questions are addressed before the scheduled end of the meeting.

ADDRESSES: The meeting will be held at the National Oceanic and Atmospheric Administration's Western Regional Center's auditorium in Building 9, 7600 Sand Point Way NE, Seattle, WA 98115.

For a copy of the statement of work for the cost-benefit analysis, contact Commander Timothy M. Close under **FOR FURTHER INFORMATION CONTACT.**

If you would like to submit your questions on the statement of work before the meeting, they may be submitted by mail, fax, or electronic means to Commander Timothy M. Close at the address under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: For information concerning the meeting or to obtain a copy of the statement of work, contact Commander Timothy M. Close, Human Element and Ship Design Division (G–MSE–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, telephone 202–267–2997, fax 202–267–4816, email fldr–he@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION:

Public Participation

The Coast Guard encourages you to participate by attending the meeting.

Background and Purpose

On November 24, 1998, the Coast Guard published an advance notice of proposed rulemaking (ANPRM) (63 FR 6437) seeking public comment on potential rules that would improve marine safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Jan Islands, and the Olympic Coast National Marine Sanctuary. The ANPRM also announced the Coast Guard's intention to begin a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements for certain vessels and a dedicated pre-positioned rescue vessel. In the ANPRM, the Coast Guard requested that comments addressing cost-benefit-analysis issues be submitted to the docket by December 24, 1998. The comments received helped us develop the statement of work. The statement outlines the scope, timeline, and methodology for the cost-benefit analysis. It is this statement that will be described at the meeting. Preparation of the cost-benefit analysis, itself, is still underway.

If regulatory changes are eventually proposed, the public will have an additional opportunity to comment on the cost-benefit analysis for the selected regulatory proposals.

Meeting

The meeting is open to the public. The purpose of the meeting is to describe the statement of work and, as time allows, respond to questions on the statement. Questions during the meeting should related to the statement of work. This meeting is being held at the same location and on the same day as a meeting regarding the Port Access Routes Study; Strait of Juan de Fuca and Adjacent Waters (64 FR 18651).

Information of Service for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Commander Timothy M. Close under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: April 21, 1999.

[FR Doc. 99–10381 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–99–020]

RIN 2115–AE46

Special Local Regulations for Marine Events; Special Olympics 1999 Summer Sailing Regatta, St. Mary's River, St. Mary's City, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations for the Special Olympics 1999 Summer Sailing Regatta, a marine event to be held on the waters of the St. Mary's River, St. Mary's City, Maryland. These special local regulations, which will be in effect 6 a.m. EDT (Eastern Daylight Time) to 5 p.m. EDT, daily from June 27 to July 2, 1999, are necessary to provide for the safety of life and property on U.S. navigable waters during the event. The effect will be to restrict general navigation in the regulated area for the safety of spectators, participants, and other vessels transiting the event area.

DATES: Comments must reach the Coast Guard on or before May 26, 1999.

ADDRESSES: You may mail comments to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or hand-deliver to Room 119 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6204. Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004 maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection and copying at the above address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 05–99–020) and the specific

section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

In order to provide notice and an opportunity to comment before issuing an effective rule, the Coast Guard is providing a shorter than normal comment period. A 30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because extensive advisories will be made to the affected maritime community and there will be local republication in the Local Notice to Mariners.

Background and Purpose

Special Olympics International will sponsor the Special Olympics 1999 Summer Sailing Regatta on the waters of St. Mary's River, St. Mary's City, Maryland from June 27 to July 2, 1999. The event will involve 50 small racing sailboats conducting highly publicized, competitive races. The sailboats will each be crewed by one trained sailor and one Special Olympian. A large fleet of spectator vessels is anticipated. Due to the need for vessel control during the races, general navigation will be temporarily restricted to provide for the safety of spectators, participants and other vessels transiting the event area.

Discussion of Proposed Rule

The Coast Guard will establish temporary special local regulations on specified waters of the St. Mary's River. These special local regulations will be in effect 6 a.m. EDT (Eastern Daylight Time) to 5 p.m. EDT, daily from June 27 to July 2, 1999. The effect will be to restrict general navigation in the regulated area during the races. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area while the regulations are in effect. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators, and transiting vessels. Since the Coast Guard Patrol Commander may stop the event to assist transit of vessels through the regulated area, normal marine traffic should not be severely disrupted.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the regulated area will only be in effect for a limited amount of time, extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly, and the event schedule will allow commercial interests to coordinate their activities to allow for minimum disruption to their enterprise.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small Entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard expects the impact of this proposed rule to be minimal. The regulated area will only be in effect for a limited amount of time, extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly, and the event schedule will allow commercial interests to coordinate their activities to allow for minimum disruption to their enterprise.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b), that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact S. L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398–6204.

Unfunded Mandates

Under section 201 of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531), the Coast Guard assessed the effects of this proposal on State, local and tribal governments, in the aggregate, and the private sector. The Coast Guard determined that this regulatory action requires no written statement under section 202 of the UMRA (2 U.S.C. 1531) because it will not result in the expenditure of $100,000,000 in any one year by State, local and tribal governments, in the aggregate, or the private sector.

Collection of Information

This proposal does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under figure 2–2, paragraph (34)(h) of Commandant Instruction M16475.1C, this proposal is categorically excluded from further environmental documentation. Special local regulations issued in conjunction

with a regatta or marine parade are excluded under that authority.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section, 100.35–T05–020 is added to read as follows:

§ 100.35–T05–020 Special Olympics 1999 Summer Sailing Regatta, St. Mary's River, St. Mary's City, Maryland.

(a) *Definitions:*

(1) *Regulated Area.* The waters of St. Mary's River from shoreline to shoreline, bounded on the north by a line drawn along latitude 38°12′00.0″ N and bounded on the south by a line drawn along latitude 38°09′00.0″ N. All coordinates reference Datum NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(b) *Special Local Regulations:*

(1) All persons and vessels not authorized as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of Coast Guard, public, state, or local law enforcement vessels assigned or approved by Commander, Coast Guard Activities Baltimore.

(2) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(3) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(4) Spectator vessels may enter and anchor in areas outside the regulated area without the permission of the Patrol Commander. They shall use caution not to enter the regulated area. No vessel shall anchor within a tunnel, cable or pipeline area shown on a Government chart.

(5) The Coast Guard Patrol Commander will announce the specific time periods during which the regulations will be enforced, by Broadcast Notice to Mariners on channel 22 VHF–FM marine band radio.

(c) *Effective Dates.* The regulated area is effective from 6 a.m. EDT (Eastern Daylight Time) to 5 p.m. EDT, daily from June 27 to July 2, 1999.

Dated: April 6, 1999.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 99–10428 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–15–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–98, FCC 99–70]

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In response to the Supreme Court's January 25, 1999 decision, the Second Further Notice of Proposed Rulemaking (Second FNPRM) seeks public comment on issues related to how the Commission should identify the network elements incumbent local exchange carriers must make available to requesting carriers, pursuant to sections 251(c)(3) and 251(d)(2) of the Telecommunications Act of 1996. The ability of requesting carriers to use unbundled network elements is integral to achieving Congress' objective of promoting rapid competition in the local telecommunications marketplace. In this proceeding, we seek to move forward to resolve this issue in a timely manner, in order to further reduce uncertainties in the marketplace and to promote robust competition in local telecommunications markets.

DATES: Comments are due on or before May 26, 1999 and reply comments are due on or before June 10, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, S.W., Room TW–A325, Washington, D.C. 20554, with a copy to Janice Myles of the Common Carrier Bureau, 445 12th Street, S.W., Room 5–C327, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 1231 20 St., N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Jake Jennings or Claudia Fox, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580. Further information may also be obtained by calling the common Carrier Bureau's TTY number: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking adopted April 8, 1999, and released April 14, 1999 (FCC 99–70). The full text of this Second FNPRM is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY–A257, Washington, D.C 20554. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc99070.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, In., (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036.

I. Synopsis of Second Further Notice of Proposed Rulemaking

1. On January 25, 1999, the United States Supreme Court upheld all but one of the Commission's local competition rules that had been challenged before the United States Court of Appeals for the Eighth Circuit (Eighth Circuit). The Supreme Court rejected, in part, the Commission's implementation of the network element unbundling obligations set forth in section 251(c)(3) of the Telecommunications Act of 1996, and concluded that section 51.319 of the Commission's rules should be vacated. Section 51.319, which was adopted in the *Local Competition First Report and Order,* CC Docket No. 96–98, sets forth the minimum set of network elements that incumbent local exchange carriers (LECs) must make available on an unbundled basis to requesting carriers pursuant to sections 251(c)(3) and 251(d)(2). The Supreme Court found that the Commission, in determining which network elements must be unbundled pursuant to section 251(c)(3), had not adequately considered the ''necessary'' and ''impair'' standards of section 251(d)(2). By this Second Further NPRM, we seek to refresh the record in CC Docket 96–98, specifically on the issues of: (1) how, in light of the Supreme Court ruling, the Commission should interpret the standards set forth in section 251(d)(2); and (2) which specific network elements

the Commission should require incumbent LECs to unbundle under section 251(c)(3).

2. The ability of requesting carriers to use unbundled network elements, including combinations of unbundled network elements, is integral to achieving Congress' objective of promoting rapid competition in the local telecommunications market. Our identification of the network elements that must be unbundled pursuant to section 251 is therefore a critical tool for promoting the goals of the 1996 Act. In this proceeding, we seek to move forward quickly to resolve the issue of which network elements incumbent LECs must make available on an unbundled basis, in order to reduce uncertainties in the marketplace and to allow carriers to make informed and rational business decisions in order to provide service on a competitive basis to consumers.

3. We seek to build on industry experience and technological changes that have occurred in the telecommunications marketplace since the 1996 Act was enacted three years ago. Today, both incumbent LECs and requesting carriers are at the early stages of deploying innovative technologies to meet the ever-increasing demand for high-speed, high-capacity advanced services. In order to encourage competition among carriers to develop and deploy new advanced services, it is critical that the marketplace for these services be conducive to investment, innovation, and meeting the needs of consumers. Accordingly, as we revisit our rule implementing the network unbundling obligations of the Act, we will consider, as well, how the unbundling obligations of the Act can best facilitate the rapid and efficient deployment of *all* telecommunications services, including advanced services.

4. We need to move quickly in this proceeding but, as always, we must also move with precision. The Supreme Court's opinion requires the Commission to take a hard look at the question of when an incumbent local exchange carrier must make parts of its network available to competitors at cost-based rates. In the words of the Court, we are to ''determine on a rational basis which network elements must be made available taking into account the objectives of the Act and giving some substance to the 'necessary' and 'impair' requirements.'' We therefore seek further comment to refresh the record in this proceeding in order to identify those network elements to which incumbent local exchange carriers must provide nondiscriminatory access—giving substance to the requirements of section 251(d)(2).

II. Background

5. On August 8, 1996, the Commission adopted the *Local Competition First Report and Order,* implementing the local competition provisions of the 1996 Act. In that order, the Commission established rules governing the obligations and responsibilities of incumbent LECs to open their local networks to competition pursuant to the requirements of section 251 of the 1996 Act. Among other things, the order adopted rules implementing the network unbundling requirements of sections 251(c)(3) and 251(d)(2) of the 1996 Act. Section 251(c)(3) imposes a duty on all incumbent LECs to provide to competitors access to network elements on an unbundled basis. Section 251(d)(2) provides that, in determining which network elements should be unbundled under section 251(c)(3), the Commission shall consider, ''at a minimum, whether—(A) access to such network elements as are proprietary in nature is necessary; and (B) the failure to provide access to such network element would impair the ability of the telecommunications carrier seeking access to provide the services that it seeks to offer.''

In the *Local Competition First Report and Order,* the Commission applied its interpretation of the ''necessary'' and ''impair'' standards of section 251(d)(2) to the unbundling requirements of section 251(c)(3). Specifically, the Commission defined ''necessary'' to mean ''an element is a prerequisite for competition,'' and it defined ''impair'' to mean ''to make or cause to become worse; diminish in value.'' The Commission also determined that a requesting carrier's ability to offer service is ''impaired'' (''diminished in value'') if ''the quality of the service the entrant can offer, absent access to the requested element, declines'' or if ''the cost of providing the service rises.''

After addressing the ''necessary'' and ''impair'' standards, the Commission adopted rule 51.319, which sets forth the network elements that incumbent LECs must make available to requesting carriers on an unbundled basis. Section 51.319 of the Commission's rules required incumbent LECs to make available, on an unbundled basis, the following network elements: (1) local loops; (2) network interface devices; (3) local switching; (4) interoffice transmission facilities; (5) signaling networks and call-related databases; (6) operations support systems; and (7) operator services and directory assistance.

Following adoption of the *Local Competition First Report and Order,* incumbent LECs and state commissions filed various challenges to the Commission's rules; these appeals were consolidated in the Eighth Circuit. Among other holdings, the Eighth Circuit rejected incumbent LECs' argument that, in determining which elements were subject to the unbundling requirements, the Commission had not properly applied the ''necessary'' and ''impair'' standards of section 251(d)(2). Accordingly, the Eighth Circuit upheld section 51.319. A number of parties sought and were granted review of the Eighth Circuit's decision by the Supreme Court.

9. In its January 25, 1999 opinion, the Supreme Court reversed the Eighth Circuit's decision on this issue, stated that section 51.319 should be vacated, and remanded the matter for further proceedings. The Court concluded that the Commission had not adequately considered the ''necessary'' and ''impair'' standards of section 251(d)(2). The Court found, among other things, that the Commission, in deciding which elements must be unbundled, did not adequately take into consideration the ''availability of elements outside the incumbent's network.'' The Court also faulted the Commission's ''assumption that *any* increase in cost (or decrease in quality) imposed by a denial of a network element renders access to that element 'necessary,' and causes the failure to provide that element to 'impair' the entrant's ability to furnish its desired services.'' In addition, the Court criticized the Commission's interpretation of section 251(d)(2) because it ''allows entrants, rather than the Commission, to determine'' whether the requirements of that section are satisfied.

III. Request for Further Comments

10. In response to the Supreme Court ruling, we must further consider the ''necessary'' and ''impair'' standards of section 251(d)(2) in identifying network elements that are subject to the unbundling requirements of section 251(c)(3). Although we retain the right to consider and rely upon comments previously filed in this docket, any comments parties want the Commission to consider on this issue must be filed in response to *this* Notice, and commenters should not simply incorporate by reference previous arguments made in this proceeding.

11. We seek comment on a number of issues related to the interpretation of section 251(d)(2), including identification of unbundled network elements on a nationwide basis, the

interpretation of the ''necessary'' and ''impair'' standards of section 251(d)(2), and the criteria the Commission and states should consider in determining whether a network element is subject to the unbundling obligations of section 251(c)(3) of the 1996 Act. In determining which network elements are subject to the unbundling obligations of section 251(c)(3), we seek comment on an approach that would allow sunset or modification of the unbundling obligations as technology and market conditions evolve over time. Such an approach would allow the Commission and the states to identify particular network elements that should be sunsetted or removed from, or added to, the initial list of elements subject to the unbundling obligations of the Act, as warranted.

12. As we have stated, the Supreme Court found that the Commission, in deciding which elements must be unbundled, did not adequately take into consideration the availability of elements outside the incumbent's network. More generally, we note that application of the ''necessary'' and ''impair'' standards that we develop pursuant to section 251(d)(2) may be relatively fact-intensive. At the same time, we recognize that in resolving these fact-intensive questions, particularly in an expedited time frame, it may be beneficial to consider what evidentiary standards and presumptions are most appropriate, both in the context of the initial designation of network elements subject to unbundling requirements, and any subsequent proceedings to modify the unbundling obligations. We ask parties to comment on the types of evidentiary standards or approaches that should govern application of the section 251(d)(2) standards in determining which network elements must be unbundled. Commenters should address which parties should bear the burdens of proof and production, whether any presumptions should apply, and why. Commenters are also requested to justify the evidentiary standards or approaches they advocate, especially in light of the kinds of data that can be made available in this proceeding, the purposes and structure of the Act, and the identity of the parties most likely to be in control of relevant data.

A. Identification of Unbundled Network Elements on a Nationwide Basis

13. In the *Local Competition First Report and Order,* the Commission concluded that, by identifying a specific list of network elements that must be unbundled, applicable uniformly in all states and territories, we would best further the ''national policy framework'' established by Congress to promote competition. The Commission adopted a minimum list of network elements that must be unbundled on a national basis, and permitted states to impose additional unbundling requirements.

14. We find nothing in the Supreme Court's decision that calls into question our decision to establish minimum national unbundling requirements. We therefore tentatively conclude that the Commission should continue to identify a minimum set of network elements that must be unbundled on a nationwide basis. We seek comment on this tentative conclusion. We also seek comment on whether the existence of geographic variations in the availability of elements outside the incumbent LEC's network is relevant to a decision to impose minimum national unbundling requirements. We also seek comment on the relevance, if any, to the interpretation of the ''necessary'' and ''impair'' standard that we are reexamining these issues today, more than three years after passage of the Act. We note that, under our rules, the states have authority to impose additional unbundling requirements, pursuant to our interpretation of section 251(d)(2). We do not propose to eliminate the states' authority to impose additional unbundling requirements, pursuant to the standards and criteria we adopt in this proceeding. In addition, we seek comment on whether states may, consistent with the Supreme Court's decision, apply our interpretation of section 251(d)(2) to determine in the first instance that a network element need not be unbundled in light of the availability of that element outside the incumbent's network in that state. If so, under what circumstances, if any, should the Commission review state decisions?

B. Interpretation of the Term ''Proprietary'' in Section 251(d)(2)(A)

15. Section 251(d)(2)(A) refers to network elements that are ''proprietary'' in nature. We seek comment on the meaning of the term ''proprietary'' for purposes of this section. In the *Local Competition First Report and Order,* the Commission referred to proprietary network elements as including, for example, ''those elements with proprietary protocols or elements containing proprietary information.'' The Commission also concluded that the incumbent LEC's signaling protocols that adhere to Bellcore standards are not proprietary in nature because they use industry-wide, rather than LEC-specific, protocols. We seek comment on whether we should consider network elements as non-proprietary if the interfaces, functions, features, and capabilities sought by the requesting carrier are defined by recognized industry standard-setting bodies (*e.g.*, ITU, ANSI, or IEEE), are defined by Bellcore general requirements, or otherwise are widely available from vendors. We also seek comment on whether non-carrier specific standards can be proprietary. What effect, if any, could Commission action have on whether a network element is proprietary? Commenters should discuss whether the term ''proprietary'' should be limited to information, software, or technology that can be protected by patents, copyrights, or trade secrecy laws, or whether it can also apply to materials that do not qualify for such legal protection. If a network element contains what parties assert to be proprietary information, but access to that information is not accessible by third parties seeking access to a particular element, should the entire element be considered ''proprietary'' for purposes of section 251(d)(2)(A)? We also seek comment on whether the term ''proprietary'' refers solely to proprietary interests the incumbent LEC may have in an element, or whether it may also refer to proprietary interests of third parties (*e.g.*, vendors).

C. Interpretation of ''Necessary'' in Section 251(d)(2)(A)

16. In the *Local Competition First Report and Order,* the Commission defined a ''necessary'' network element as one that is a ''prerequisite'' to competition. We seek comment on the definition of ''necessary'' for the purpose of determining proprietary network elements that must be unbundled pursuant to the requirements of section 251(d)(2)(A) and on the Commission's application of this term in the *Local Competition First Report and Order.*

D. Interpretation of ''Impair'' in Section 251(d)(2)(B)

17. Section 251(d)(2)(B) requires us to consider whether the failure to provide access to an element would ''impair'' the ability of a new entrant to provide a service it seeks to offer. In the *Local Competition First Report and Order,* the Commission adopted a dictionary definition of the term ''impair'' that means ''to make or cause to become worse; diminish in value.'' The Commission stated that ''generally * * * an entrant's ability to offer a telecommunications service is 'diminished in value' if the quality of the service the entrant can offer, absent access to the requested element,

declines and/or the cost of providing the service rises.'' We seek comment on the meaning of the term ''impair.'' Should the Commission adopt a standard by which we examine whether the new entrant's ability to offer a telecommunications service in a competitive manner is materially diminished in value? Would a new entrant be ''impaired'' from providing service in a certain area if there is no additional collocation space available in the incumbent LECs' central office?

E. The Difference Between the ''Necessary'' and ''Impair'' Standards

18. We seek comment on the difference between the ''necessary'' standard under section 251(d)(2)(A) and the ''impair'' standard of section 251(d)(2)(B). Since the 1996 Act employs two different terms, must the Commission apply different criteria to determine whether a network element meets these standards? To the extent parties propose using the same criteria, we seek comment on the legal basis for applying the same criteria as well as on how we should apply the criteria to differentiate between the ''necessary'' and ''impair'' standards.

19. In the *Local Competition First Report and Order,* the Commission found that the ''necessary'' standard only applies to ''proprietary'' network elements, and that the ''impair'' standard applies to ''nonproprietary'' network elements. This construction was also applied by the Eighth Circuit and, apparently, by the Supreme Court in reviewing the Commission's analysis of unbundling requirements under section 251(d)(2). We seek comment on whether our understanding of the courts' interpretation should govern in this proceeding.

F. Criteria for Determining ''Necessary'' and ''Impair'' Standards

20. We seek more specific comment on what factors or criteria the Commission should adopt in determining whether access to network elements is necessary and whether failure to provide such access would impair an entrant's ability to provide service. The Supreme Court has provided some guidance in this respect. The Court stated that ''the Act requires the FCC to apply some limiting standard, rationally related to the goals of the Act, which it has simply failed to do.'' The Court stated further that ''[w]e cannot avoid the conclusion that, if Congress had wanted to give blanket access to incumbents' networks on a basis as unrestricted as the scheme the Commission has come up with, it would not have included section 251(d)(2) in the statute at all. It would simply have said (as the Commission in effect has) that whatever requested element can be provided must be provided.''

21. Although the Supreme Court acknowledged incumbent LEC arguments that section 251(d)(2) codifies ''something akin'' to the essential facilities doctrine, the Court did not find that section 251(d)(2) mandates that standard. We nevertheless seek comment on the significance of the essential facilities standard under section 251(d)(2). Next, the Supreme Court concluded that we must take into account the availability of substitutes for incumbent LEC network elements outside of the incumbent's network. We thus seek comment on when we should deem a substitute sufficiently available so as to render access to the incumbent's network element unnecessary. Finally, the Court found that the Commission erred in concluding that ''any'' increase in cost or decrease in quality resulting from the failure to gain access to a network element satisfied the necessary and impair standard. We therefore seek comment on whether and the extent to which an increase in cost or decrease in quality caused by the inability of obtaining access to an incumbent's network element meets the ''necessary'' or ''impairment'' standard. In addressing these factors, commenters should distinguish between the ''necessary'' and ''impair'' standards if appropriate to do so in light of the factor being discussed.

1. Essential Facilities Doctrine

22. In their arguments before the Supreme Court, incumbent LECs asserted that section 251(d)(2) codifies a standard similar to the ''essential facilities'' doctrine, as defined in antitrust jurisprudence. We ask parties to describe this doctrine and how it should be applied, if at all, to the determination of which network elements incumbent LECs must provide on an unbundled basis pursuant to sections 251(c)(3) and 251(d)(2). Parties should also cite any relevant legislative history that would indicate Congress' views on this standard or any similar standard.

23. In discussing the ''essential facilities'' doctrine, the Supreme Court observed that ''it may be that some other standard would provide an equivalent or better criterion for the limitation upon network-element availability that the statute has in mind.'' Accordingly, we seek comment on alternative standards that should be considered in determining which network elements must be unbundled pursuant to sections 251(c)(3) and 251(d)(2).

2. Availability and Cost of Network Elements Outside the Incumbent LEC's Network

24. The Supreme Court stated that, in determining the list of elements that incumbent LECs must provide on an unbundled basis pursuant to sections 251(c)(3) and 251(d)(2) of the Act, the Commission must take into consideration the availability of network elements outside the incumbent's network. We seek comment on how the Commission should consider the availability of network elements outside of the incumbent's network. We ask commenters to discuss potential alternative sources of network elements from other competing carriers, as well as availability of network elements through self-provisioning. We also ask commenters to provide information on the costs of alternatives, the length of time it takes to obtain alternatives, and the extent to which alternatives to unbundled elements are being utilized now. We also seek comment on how the Commission, in assessing potential alternative sources of network elements, should evaluate alternatives available from other competing carriers if those carriers are not subject to unbundling obligations of 251(c)(3).

25. In determining whether a requesting carrier's ability to provide a service would be impaired if it did not obtain a network element on an unbundled basis from the incumbent LEC, how should we assess and treat the additional cost of utilizing an alternative source for that element? The Supreme Court found insufficient the Commission's ''assumption that *any* increase in cost would impair a requesting carrier's ability to provide service.'' We therefore seek comment on whether and the extent to which the Commission should consider differences in costs between obtaining the network element from the incumbent versus through self-provisioning or from an alternative source. Should the Commission adopt a standard under which we examine whether the difference in cost between obtaining a network element from an incumbent LEC as opposed to obtaining it through self-provisioning or from an alternative source is a ''material'' difference? If so, what constitutes a ''material'' difference? For example, if the cost of obtaining the network element from the incumbent LEC is half of the cost of obtaining it from another source, should the incumbent be required to unbundle it? How would

this work in practice? Should the threshold vary by the network element?

26. We also seek comment on what specific cost differences the Commission should include in evaluating the ''necessary'' and ''impair'' standards. In the *Local Competition First Report and Order*, the Commission stated that incumbent LECs ''have economies of density, connectivity, and scale * * * [that must] be shared with entrants.'' We seek comment on the extent to which we should consider cost differences based on economies of density, connectivity, and scale in determining whether a network element must be unbundled pursuant to sections 251(c)(3) and 251(d)(2). We also seek comment on whether the Commission should evaluate ''sunk'' costs that would be incurred by requesting carriers if they were to obtain the network elements through self-provisioning or from other sources outside the incumbent LEC's network (*e.g.*, those costs associated with entry that are not fully recoverable if the requesting carrier exits the market).

27. We seek comment on the extent to which we should consider the quantity of facilities that may be necessary for competitors to obtain in order to compete effectively. For example, a competitor's ability to compete may not be ''impaired'' if it is required to self-provision only one switch. With respect to some entry strategies, however, in order to compete effectively, the new entrant may need to obtain multiple switches. Accordingly, we ask parties to comment on the extent to which such factors as economies of scale, penetration assumptions, and the requesting carrier's particular market entry strategies should be considered as part of the ''necessary'' and ''impair'' analysis.

28. In addition to cost, we seek comment on other factors that the Commission should consider in evaluating the availability of network elements from alternative sources. For example, how should the Commission assess factors such as the difference in the length of time it takes to obtain a network element from an incumbent LEC versus obtaining it from an alternative source. We seek comment, in particular, on whether and the extent to which the language of the statute and the Supreme Court's opinion constrain the factors that we can or should consider in evaluating the availability of elements outside the incumbent's network. We also seek comment on whether differences in quality that result from acquiring a network element from the incumbent LEC compared to an alternative source are relevant to our analysis of the ''necessary'' and ''impair'' standards of section 251(d)(2). Parties advocating the application of such factors for analyzing unbundling requirements under the ''necessary'' and ''impair'' standards of section 251(d)(2) should discuss specific methods for measuring and applying those differences to specific network elements.

G. Weight To Be Given to Various Factors

29. Section 251(d)(2) states that the Commission shall ''consider, at a minimum'' whether access is necessary or lack of access would impair a requesting carrier's ability to provide service. In explaining the Commission's duty when directed by Congress to ''consider'' a particular factor, the D.C. Circuit has held: ''That means only that [the Commission] must 'reach an express and considered conclusion' about the bearing of a factor, but is not required 'to give any specific weight' to it.'' At the same time, the Supreme Court observed in its remand of the *Local Competition First Report and Order* that, in determining which network elements must be unbundled, ''the Commission cannot consistent with the statute, blind itself to the availability of elements outside the incumbent's network.'' The Court also observed that ''giving some substance to the 'necessary' and 'impair' requirements * * * is not achieved by disregarding entirely the availability of elements outside the network. * * *'' What weight, then, should the Commission attach to the ''necessary'' and ''impair'' requirements of section 251(d)(2)? In particular, commenters should address how much weight the Commission must give to these requirements in order to satisfy section 251(d)(2) and the Supreme Court decision.

30. We also seek comment on what other factors the Commission should consider, in addition to the ''necessary'' and ''impair'' standards, in determining whether a particular network element should be unbundled, and on how any proposed additional criteria would interrelate with the ''necessary'' and ''impair'' standards set forth in the statute. Commenters should specifically identify any factors deemed sufficiently important in meeting the goals of the 1996 Act to require the unbundling of a network element, even if such unbundling did not otherwise meet the ''necessary'' or ''impair'' standards of sections 251(d)(2)(A) or (B) standing alone.

31. Finally, we ask commenters addressing particular standards and criteria for interpreting the ''necessary'' and ''impair'' standards of section 251(d)(2) to discuss how those standards and criteria are consistent with, and further the goals of the 1996 Act.

H. Application of Criteria to Previously Identified and Other Network Elements

32. In the *Local Competition First Report and Order*, the Commission identified seven network elements that were subject to the unbundling obligations of section 251(c)(3). We note that in the *Local Competition* proceeding, even incumbent LECs agreed that the local loop is a network element that must be unbundled pursuant to sections 251(c)(3) and 251(d)(2) of the Act. It is our strong expectation that under any reasonable interpretation of the ''necessary'' and ''impair'' standards of section 251(d)(2), loops will generally be subject to the section 251(c)(3) unbundling obligations. We seek comment on this analysis. We also see nothing in the statute or the Supreme Court's opinion that would preclude us from requiring that loops that must be unbundled must also be conditioned in a manner that allows requesting carriers supplying the necessary electronics to provide advanced telecommunications services, such as digital subscriber line technology (xDSL). We seek comment on this analysis.

33. Parties are requested to apply their proposed standards and criteria, as well as other proposed standards, to the loop and the other six network elements previously identified in the *Local Competition First Report and Order*. Parties should also apply their proposed standards and criteria to any other network elements they contend should be unbundled. For example, we seek comment on whether, due to technology changes, we should require sub-loop unbundling at the remote terminal or at other points within the incumbent LEC's network. Parties should also comment on situations where the incumbent LEC owns facilities on the end user's side of the network demarcation point and whether those facilities should be unbundled under section 251(c)(3). In light of the Supreme Court decision, we also seek comment on whether the Commission can require incumbent LECs to combine unbundled network elements that they do not already combine (*e.g.*, an unbundled loop combined with unbundled transport). To the extent parties advocate that certain network elements fail to meet the ''necessary'' or

''impair'' standard, we ask that parties provide the Commission sufficient information regarding the competitive availability of alternatives to such network elements. Parties are requested to include specific costs and availability of such network elements, on an element-by-element basis. Additionally, we ask commenters to provide factual information comparing the quality of alternatives to those network elements that they request to be unbundled.

34. We also ask parties to comment on whether, in light of technological advances or experience in the marketplace since adoption of the *Local Competition First Report and Order*, the Commission should modify the definition of any of its previously identified network elements. For example, should we modify the definition of ''loops'' or ''transport'' to include dark fiber?

35. In light of the Supreme Court remand, we seek additional comment on whether network elements used in the provision of advanced services should be unbundled, as discussed in the *Advanced Services NPRM*. For example, parties should comment on whether digital subscriber line access multiplexers and/or packet switches should be unbundled pursuant to section 251(c)(3). Parties should also comment on whether there is any basis for treating network elements used in the provisioning of packet-switched advanced services any differently than those used in the provisioning of traditional circuit-switched voice services.

I. Modifications to Unbundling Requirements

36. Given that technological, competitive, and economic factors may, over time, affect the availability of network elements from sources outside the incumbent LEC's network, we seek comment on whether the Commission should adopt a mechanism by which network elements would no longer have to be unbundled at a future date. In particular, we seek comment on whether affirmative steps by the parties or the Commission should be necessary to remove a particular element from unbundling requirements, or whether affirmative action should be necessary to continue requiring the unbundling of particular elements. Commenters should address this question in light of the language and purposes of the statute, as well as the Supreme Court's opinion. If there subsequently is a modification to an unbundling requirement, should an incumbent LEC be required to continue to unbundle that element identified in an interconnection agreement until the date that the agreement expires? Under such a scenario, should an incumbent LEC be able to refuse to unbundle a network element that is no longer required when negotiating a new contract with other parties?

37. Parties advocating that we adopt a mechanism for removing particular elements from the unbundling requirements should provide specific details and explain the legal basis under section 251(d)(2) for doing so. Parties should discuss what factors the Commission should consider in determining whether to remove an element from the unbundling obligations of section 251(c)(3), how the Commission should apply those factors to the particular element, and what conditions would trigger removal from the unbundling requirements. If the Commission adopts a mechanism for removing the unbundling obligation for specified network elements, to what extent should the Commission consider whether to phase out the use of such unbundled network elements in a manner that avoids market disruptions? Should the incumbent LEC bear the burden of demonstrating to the Commission that a particular network element no longer need be unbundled, and what showing should be necessary to overcome any presumption in favor of continuing the unbundling requirement? Alternatively, should competing LECs bear the burden of demonstrating that unbundling is still required pursuant to section 251(d)(2)? Should we restrict incumbents from seeking removal of certain network elements from the unbundling requirements for a specific period of time following implementation of our new unbundling rules (*e.g.*, two years), or in the case of regional Bell Operating Companies (BOCs), until after section 271 authority is obtained?

38. We also seek comment on whether section 251(d)(2), or any other provision of the Act, provides the Commission with the authority to delegate to the states responsibility for removing network elements from any national unbundling requirements, applying the standards for section 251(d)(2) we adopt in this proceeding. If we were to delegate such responsibility to the states, what procedure should apply for appeals to the Commission from a state's determination that a network element no longer qualified for unbundling under section 251(c)(3)?

39. We also seek comment on whether the Commission has authority to adopt a ''sunset'' provision under which unbundling obligations for particular elements or all elements would no longer be required, upon the passage of time or occurrence of certain events, without any subsequent action by the Commission. Inasmuch as Congress included ''sunset'' provisions in other parts of the 1996 Act, how does the lack of reference to one here affect our authority to adopt such a provision? We seek comment on specific criteria that the Commission should consider in determining whether to ''sunset'' a requirement to provide unbundled network elements, if the Commission has such authority. Parties should comment on what predictive judgments about the future would be needed, if any, and they should provide the information the Commission would need in order to make a determination that a ''sunset'' provision is appropriate. Parties advocating a sunset provision should address any possible uncertainties and incentives created by such an approach and any possible effects on local competition and future new entrants.

40. We also seek comment on the extent to which adoption of a ''sunset'' provision would constitute forbearance prohibited under section 10(d) of the Act. Section 10(d) forbids the Commission from forbearing ''from applying the requirements of section 251(c) or 271 * * * until it determines that those requirements have been fully implemented.'' We also seek comment on the meaning of ''fully implemented'' in this provision of the Act. Would it be considered forbearance if unbundling of a particular element were no longer required because that element no longer satisfied the requirements of section 251(d)(2)?

J. Additional Questions

41. We seek comment on what effect, if any, the fact that Congress required BOCs seeking in-region interLATA authority to unbundle certain network elements should have on our interpretation of section 251(d)(2). For example, should there be a presumption that the network elements set forth in the competitive checklist of section 271(c)(2)(B) are subject to the unbundling obligation contained in section 251(c)(3)? Conversely, what would be the effect on future 271 applications of concluding that a network element identified in section 271(c)(2)(B) is not subject to the 251(c)(3) unbundling obligations? For example, if after considering the ''necessary'' and ''impair'' standards of section 251(d)(2) we determine that a network element need not be unbundled pursuant to section 251(c)(3), what terms and conditions would still apply to that element if it must be provided as part of the competitive checklist of

section 271? Commenters should address what pricing standard, if any, would apply in such a situation, and what pricing rule would govern in arbitrations where the parties had been unable to negotiate a price.

42. In addition, we seek comment on whether the existence of a competitive market for a network element is necessary to demonstrate that an element is sufficiently available outside the incumbent's network so that failure of the incumbent to provide the element would not be ''necessary'' or would not ''impair'' a carrier's ability to provide service. What relevance is the fact that those entities that could provide alternative sources of the element do not have a legal obligation to unbundle that element? For example, section 251(b)(3) requires all local exchange carriers to provide operator services and directory assistance (OS/DA) to competing providers of telephone exchange carriers. Assuming there is a competitive market for OS/DA, and LECs are obligated to provide those services under section 251(b), is a competitor's ability to compete ''impaired'' if these functions are not provided by incumbent LECs as an unbundled network element under section 251(c)(3)?

43. In the *Local Competition First Report and Order*, the Commission explicitly rejected the argument that would allow incumbent LECs to deny access to unbundled elements if the element is equivalent to a service available at resale. The Commission stated that such a conclusion would lead to impractical results, because incumbents could completely avoid section 251(c)(3) unbundling obligations by offering unbundled elements to end users as retail services. In light of the Supreme Court decision, we seek comment on the extent to which, if any, the availability of resold services obtained from the incumbent LEC should be considered in determining whether a particular network element should be unbundled. More specifically, we ask parties to apply their interpretations of the ''necessary'' and ''impair'' standards in light of the availability of incumbent LEC resold services. Is there a legal or policy basis for concluding that the inability to obtain access to combinations of network elements could impair a requesting carrier's ability to provide service to residential customers, but not business customers?

44. Parties should submit the text of any proposed rules they urge the Commission to adopt as part of their filings in this proceeding.

IV. Procedural Issues

A. Ex Parte Presentations

45. The matter in Docket No. 96–98, initiated by this Second Further NPRM, shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties are to file with the Secretary, FCC, and serve Janice Myles and International Transcription Services (ITS) with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified below for filing comments.

B. Supplemental Initial Regulatory Flexibility Analysis

46. In the *Local Competition First Report and Order*, the Commission prepared a Final Regulatory Flexibility Analysis (FRFA) addressing the impact of the local competition rules on small businesses, including section 51.319. In *AT&T* v. *Iowa Utils. Bd.* the Supreme Court vacated section 51.319 because it found that the Commission had not properly considered and applied the ''necessary'' and ''impair'' standards of section 251(d)(2) when it identified network elements that must be unbundled pursuant to section 251(c)(3) of the Act. This proceeding will further consider, in light of the Supreme Court's decision in *AT&T* v. *Iowa Utils. Bd.*, how the Commission should interpret the standards set forth in section 251(d)(2), and which network elements should be unbundled under section 251(c)(3). This may require modification of the portion of the *Local Competition First Report and Order* FRFA addressing former section 51.319. Therefore, we have prepared this Supplemental Initial Regulatory Flexibility Analysis (SIRFA) to address any possible significant economic impact on small entities that may result from our further consideration. Written public comments are requested on this SIRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of the Second Further NPRM, but they must have a separate and distinct heading, designating the comments as responses to the SIRFA. The Commission will send a copy of the Second Further NPRM, including this SIRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the Second Further NPRM and SIRFA (or summaries thereof) will be published in the **Federal Register**.

47. *Reason for Action:* This further proceeding is required by the remand following the Supreme Court order vacating section 51.319.

48. *Objectives:* The objective of this Second Further NPRM is to afford the public the opportunity to supplement the record previously adduced concerning the ''necessary'' and ''impair'' standards of section 251(d)(2) and the identification of network elements that are subject to the unbundling requirements of section 251(c)(3).

49. *Legal Basis:* Sections 1–4, 10, 201, 202, 251–254, 271, and 303(r) of the Communications Act, as amended, 47 U.S.C. 151–154, 160, 201, 202, 251–254, 271, and 303(r).

50. *Description and estimate of the number of small entities affected:* We anticipate no change in the description and estimate of the number of small entities that might be affected by our further consideration from the description and estimate adopted in the *Local Competition Report and Order* FRFA.

51. *Description of projected reporting, recordkeeping, and other compliance requirements:* None are anticipated from the further consideration.

52. *Federal rules that may duplicate, overlap, or conflict with the proposed rule:* None.

53. *Any significant alternatives minimizing the impact on small entities consistent with the stated objectives:* We have outlined and sought comment on the many issues involved in the further consideration. We seek comment on any interpretation of the ''necessary'' and ''impair'' standards of section 251(d)(2) used to identify network elements that are subject to the unbundling requirements of section 251(c)(3) that would minimize the impact on small entities.

C. Comment Filing Procedures

54. Interested parties may file any comments in response to this Second Further NPRM no later than May 26, 1999, with the Secretary, FCC, at 445 12th Street, S.W., Washington, D.C. 20554. Reply comments may be filed with the Secretary, FCC, no later than June 10, 1999. All pleadings are to reference CC Docket No. 96–98. Interested parties should file an original and 12 copies of all pleadings. An

additional copy of all pleadings must also be sent to Janice M. Myles, Common Carrier Bureau, FCC, 445 12th Street, S.W., Room 5–C327, Washington, D.C. 20554, and to the Commission's contractor for public service records duplication, ITS, 1231 20th Street, N.W., Washington, D.C. 20036. Comments and reply comments will be available for inspection and copying during normal business hours in the FCC's Reference Center, 445 12th Street, S.W., Washington, D.C. 20554. Copies also can be obtained from ITS at 1231 20th Street, N.W., Washington, D.C. 20036, or by calling ITS at (202) 857–3800 or faxing ITS at (202) 857–3805.

55. Parties are required to file a copy of all pleadings electronically via the Internet to <http://www.fcc.gov/e-file-ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form, your e-mail address.'' A sample form and directions will be sent in reply.

56. We will treat this proceeding as permit-but-disclose for purposes of the Commission's *ex parte* rules. *See generally* 47 CFR 1.1200–1.1216. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties are to file with the Secretary, FCC, and serve Janice Myles and ITS, with copies of any written *ex parte* presentations or summaries of oral *ex parte* presentations in these proceedings in the manner specified.

V. Ordering Clauses

57. Accordingly, *it is ordered* that pursuant to Sections 1, 3, 4, 201–205, 251, 252, 254, 256, and 271 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 153, 154, 251, 252, 256, and 271, the second further notice of proposed rulemaking is hereby *adopted*.

58. *It is further ordered* that, the Office of Public Affairs, Reference Operations Division shall send a copy of this second further notice of proposed rulemaking, including the SIRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1981).

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 99–10307 Filed 4–23–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket NHTSA 99–5546]

RIN 2127–AH30

Federal Motor Vehicle Safety Standards: Light Vehicle Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Withdrawal of rulemaking.

SUMMARY: This action withdraws a rulemaking action initiated with the issuance of a proposal in 1996. In that proposal, NHTSA proposed to extend the requirements of the passenger car brake system standard to trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or less. In a 1997 final rule, NHTSA extended the passenger car brake requirements to trucks, buses, and multipurpose passenger vehicles with GVWRs of 3,500 kilograms (7,716 pounds) or less. At that time, the agency deferred its decision on the issue of whether to include vehicles with GVWRs between 3,501 kilograms and 4,536 kilograms.

NHTSA believes that the limited safety benefit that could be derived from requiring these vehicles to comply with Standard No. 135 would not be justified by the considerable costs and burden of redesigning their brake systems. In response to comments by the vehicle manufacturers about the proposal, NHTSA conducted the passenger car brake sequence tests on four late-model vehicles with GVWRs between 3,501 kilograms and 4,536 kilograms. All vehicles were tested to the hydraulic brake standard, which specifies performance standards for hydraulic braking systems on hydraulically-braked vehicles with a GVWR greater than 3,500 kilograms (7,716 pounds). All of the tested vehicles failed some aspect(s) of the test sequence, tending to confirm manufacturers' assertions that redesign of the braking systems of vehicles in this category may be necessary to meet the passenger car brake standard. Accordingly, NHTSA is withdrawing the rulemaking action initiated in 1996.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Samuel Daniel, Jr., Safety Standards Engineer, Office of Crash Avoidance Standards, Vehicle Dynamics Division, 400 Seventh Street, SW, room 5307, Washington, DC 20590; telephone (202) 366–2720; fax (202) 493–2739.

For legal issues: Mr. Walter Myers, Attorney-Advisor, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW, room 5219, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

A. Background

(1) Rulemaking History

In order to harmonize U.S. brake standards with international brake standards, NHTSA published a final rule on February 2, 1995, establishing a new Federal Motor Vehicle Safety Standard (Standard) No. 135, *Passenger car brake systems* (60 FR 6411).[1] This new standard replaced Standard No. 105, *Hydraulic brake systems,* insofar as Standard No. 105 applied to passenger cars.

On May 2, 1996, NHTSA published a Notice of Proposed Rulemaking (NPRM) proposing to extend the applicability of Standard No. 135 to all multipurpose passenger vehicles, trucks, and buses with GVWRs of 4,536 kilograms (kg) (10,000 pounds (lbs)) or less (61 FR 19602) (hereinafter referred to as ''LTVs,'' meaning light trucks and vans). The agency stated in the NPRM that the extension of the provisions of Standard No. 135 to LTVs would be consistent with the agency's policy of achieving international harmonization wherever possible and consistent with the agency's statutory mandate to increase motor vehicle safety in the U.S.

NHTSA received 8 comments in response to the NPRM, 5 from vehicle manufacturers, 2 from vehicle trade

[1] This standard was subsequently renamed Light Vehicle Brake Systems.

associations, and 1 from a safety advocacy group. Most of the vehicle manufacturers and the American Automobile Manufacturers Association commented that compliance with Standard No. 135 may require major modification of the brake systems of vehicles with GVWRs above 3,629 kg (8,000 lbs). They asserted that brake performance requirements in Standard No. 135 are more stringent than those in Standard No. 105. They argued that, because of the heavier weight range of these vehicles, they may not be able to meet the requirements of Standard No. 135 without substantial brake system redesign. They further commented that brake systems on vehicles with GVWRs greater than 8,000 lbs may have undesirable consumer characteristics such as increased noise, wear, and pedal travel if required to meet Standard No. 135 requirements.

In response to those comments, NHTSA decided to extend the applicability of Standard No. 135 only to those with GVWRs of 3,500 kg (7,716 lbs) or less, and reserved for possible later action the issue of whether to further extend those requirements to LTVs with GVWRs between 3,501 kg and 4,536 kg. Consequently, on September 30, 1997, NHTSA published a final rule in the **Federal Register** extending the provisions of Standard No. 135 to trucks, buses, and multipurpose passenger vehicles with GVWRs of 3,500 kg (7,716 lbs) or less, effective December 1, 1997, and becoming mandatory for these vehicles beginning September 1, 2002 (62 FR 51064). The agency stated, however, that the issue of extending the applicability of Standard No. 135 to vehicles with GVWRs between 3,501 kg (7,716 lbs) and 4,536 kg (10,000 lbs) would be separately addressed after reviewing brake test data submitted by Ford Motor Company (Ford) and the agency's own testing and analysis of vehicles in this weight range.

(2) Harmonization Considerations

The European equivalent of Standard No. 135 is ECE R13–H, which is applicable to passenger vehicles with a maximum seating capacity of nine. This category of vehicles is designated as the ''M1'' category. Although this category of vehicles has no weight classification, the weight of such vehicles rarely exceeds 3,175 kg (7,000 lbs). NHTSA's proposal to extend the applicability of Standard No. 135 to vehicles with GVWRs of 4,536 kg (10,000 lbs) or less would have extended the applicability of Standard No. 135 to vehicles in as many as 4 European vehicle classes not covered by R13–H, such as categories M2, M3, N2, and N3. In the interest of maintaining harmonization as nearly as possible with European standards, however, the agency believed 3,500 kg (7,716 lbs) rather than 3,629 kg (8,000 lbs) to be the logical breakpoint for the applicability of Standard No. 135 since this value is also used in the European system as the maximum GVWR for the ''N1'' category, which designates light non-passenger vehicles.

(3) Test Data

Because of the comments of vehicle manufacturers that some of their vehicles between 3,629 kg (8,000 lbs) and 4,536 kg (10,000 lbs) would not be able to comply with all the requirements of Standard No. 135, NHTSA conducted the current brake test sequence of Standard No. 135 on 4 late-model domestic trucks and vans in that GVWR range at the agency's Vehicle Research and Test Center (VRTC). Two pickup trucks and 2 full-size vans were leased for the testing. All had front disc and rear drum brakes, fixed proportioning valves, and front/rear hydraulic circuit splits. Two were equipped with rear-axle-only antilock brake systems (ABS), while the other two were equipped with 4-wheel ABS. The vehicles were instrumented as necessary to perform the Standard No. 135 test sequence, excluding the torque wheel portion of the sequence. Additional stops were made for certain portions of the test using a 700-Newton (N) pedal force in the cold effectiveness, engine off, hydraulic circuit failure, and failed power assist tests. These higher pedal force stops were made to collect data on stopping capability in response to the NPRM comments of some vehicle manufacturers. These additional stops were made only if there had been no wheel lockup during stops utilizing the currently-prescribed 500–N pedal force. Had there been wheel lockup with a pedal force of 500 N, higher pedal forces would not have improved the stopping performance of the vehicles concerned. The test report, entitled ''Extension of FMVSS No. 135 to 8000–10,000 Pound Vehicles,'' has been placed in the agency's docket (Docket 85–06, Notice 13–001).

The tests confirmed that extending the current requirements of Standard No. 135 to vehicles in the 3,629 kg (8,000 lbs) to 4,536 kg (10,000 lbs) weight range would pose compliance problems for them unless their brake systems were modified, possibly extensively. NHTSA found that the tested vehicles were unable to achieve the specified passenger car brake performance level in a number of the test sections. The failed hydraulic circuit tests, S7.10 (front circuit), resulted in three of the four vehicles failing to meet the requirements for the lightly loaded condition, a stopping distance of 168 m from a speed of 100 km/h. The Ford E–350 stopped in approximately 210 m, the Ford F–350 stopped in approximately 280 m, and the Dodge Ram 2500 stopped in approximately 195 m.

The brake power assist unit inoperative test, S7.11, resulted in all four vehicles failing to meet the requirement of a 168 m stopping distance from a speed of 100 km/h with a maximum pedal force of 500 N. Both the Dodge Ram and the GM G30 had a stopping distance of over 300 m when tested with a maximum pedal force of 500 N. When tested with a pedal force of 700 N, the Dodge Ram had a stopping distance of approximately 280 m, and the GM G30 had a stopping distance of approximately 220 m. The remaining two vehicles passed the test with the 700 N pedal force allowance.

None of the vehicles passed all parts of the hot performance and recovery performance tests, S7.14 and S7.16, respectively. The performance requirements in S7.14 (first stop) and S7.16 are calculated for each vehicle based on its measured stopping distance and its average deceleration achieved during the shortest cold effectiveness stop in S7.5, Cold Effectiveness. With regard to the first of two hot stops required, the Ford F–350 stopped in a distance of approximately 116 m, thereby exceeding the required stopping distance of 104 m. The Dodge Ram stopped in approximately 118 m, exceeding the required stopping distance for the vehicle of 100 m. In the second hot performance stop, the Ford F–350, the Dodge Ram, and the GM G30 failed to meet the 89 m stopping requirement with a maximum pedal force of 500 N. The F–350 required approximately 115 m, the Ram required approximately 105 m, and the G30 required approximately 99 m to stop from 100 km/h. At a 700 N maximum pedal force allowance, the Dodge Ram and the GM G30 both failed the 89 m requirement, with the Ram requiring approximately 104 m, and the G30 requiring approximately 93 m to stop from 100 km/h.

The Dodge Ram was the only vehicle to fail the recovery test (upper limit) with both a 500 N and a 700 N pedal force limit. At 500 N, the Ram required approximately 102 m to stop from a speed of 100 km/h and this vehicle required approximately 100 m to stop with the 700 N pedal force limit thereby exceeding the required stopping distance of 86 m. The Ford F–350 failed

the recovery test when tested with the 500 N pedal force limit, with a stopping distance of 93 m, exceeding the maximum allowable distance of 91 m. At a maximum pedal force of 700 N, the F–350 stopping distance was approximately 83 m, passing the recovery test requirements. The Ford E–350 and the GM G30 met the stopping distance requirements for the recovery test at both 500 N and 700 N maximum pedal force.

B. Discussion

In the September 30, 1997 final rule, the agency estimated annual sales of LTVs with GVWRs between 3,500 kg (7,716 lbs) and 4,536 kg (10,000 lbs) to be 0.5 to 0.7 million, or about 10 to 13 percent of all LTVs sold with GVWRs less than 4,536 kg (10,000 lbs). The agency stated that, based on such a low production volume, brake system redesign for such vehicles without sufficient leadtime could be particularly burdensome. Based on the FMVSS No. 135 performance tests failed by these vehicles, it is apparent that several brake sub-systems would need modification to meet all the requirements of the standard. The failure to meet the requirements of the hydraulic circuit failure test, S7.10 (front circuit), indicates that more braking capacity is required by the front brakes or the circuits could be modified such that each circuit contains one front and one rear brake, a common design for passenger cars. In order to meet the brake power assist unit inoperative requirements, the braking capability of the foundation brake system would have to be improved, which would require larger surface areas for the friction components, larger force actuation components (calipers and wheel cylinders), or a modification to master cylinder to allow for lower pedal force. To meet the hot and recovery performance requirements, S7.14 and S7.16, additional heat venting of the primary braking components at each wheel, or larger components requiring less stress or pressure on force actuation and friction components would be required to reduce fade.

Further, virtually all brake sub-systems on the vehicles tested would have to undergo some modification to meet all the FMVSS 135 requirements, since their brake systems are not currently designed to meet the sub-system failure tests in the standard. As previously stated, the resulting brake systems could have undesirable consumer characteristics such as increased noise, wear, and pedal travel.

Review of the National Automotive Sampling System (NASS) crash data for the calendar years 1995–1997 indicates that light trucks and vans (LTVs) with a GVWR below 4,536 kg (10,000 lbs.) were involved annually in about 1,018,130 crashes that resulted in non-serious injuries. From the same data base, LTVs with a GVWR between 3,500 and 4,536 kg (7,716 and 10,000 lbs.) were involved annually in about 55,270 crashes that resulted in non-serious injuries, or about 5.4 percent of the total LTV non-serious crash experience. The total LTV population was involved annually in about 46,940 crashes that resulted in serious injuries, based on the NASS files. LTVs with a GVWR between 3,500 and 4,536 kg were involved in about 3,050 of these crashes, or about 6.5 percent of the total annual LTV crash experience in which serious injuries occurred. Regarding fatal crashes, data from the Fatality Analysis Reporting System (FARS) for the calendar year 1996 show that LTVs with a GVWR of 4,536 kg or less were involved in 11,035 crashes resulting in fatal injuries. LTVs with a GVWR between 3,500 and 4,536 kg were involved in 1,267 crashes that resulted in fatality in 1996, or about 11.5 percent of the total fatalities involving LTVs that year. The NASS data for 1995–1997 were also queried for evidence of brake performance problems that could be obtained from the crash experience data. The data indicate that braking was an LTV crash avoidance action in about 26.7 percent of tow away crashes involving LTVs with a GVWR of 4,536 kg or less. For LTVs with a GVWR between 3,500 and 4,536 kg, braking was an LTV crash avoidance action in about 21.8 percent of the tow away crashes. Braking was an LTV crash avoidance action in about 8.6 percent of crashes resulting in fatality, according to the 1996 FARS, while LTV braking was a crash avoidance action in about 12.2 percent of the fatal crashes involving with LTV in the 3,500 to 4,536 kg range.

The agency estimates that LTVs with a GVWR between 3,500 and 4,536 kg constitute about 10–13 percent of all registered LTVs, which is consistent with their annual production and sales figures in the recent past. The market share of LTVs has increased dramatically over the past five years when compared to the increase in total production of vehicles with a GVWR of 4,536 kg or less. However, the vast majority of the vehicles that are penetrating the passenger cars market are light trucks and vans with a GVWR under 3,500 kg, which are being driven as an alternative to passenger cars. Vehicles with a GVWR between 3,500 and 4,536 kg are primarily commercial vehicles, vans and pick-up trucks driven mostly by business organizations to deliver goods and services during business hours. The crash data and crash avoidance action data show that these vehicles are under represented in terms of crash frequency when compared to their portion of the LTV population. The fatal crash frequency for these vehicles is consistent with their estimated numbers as a percentage of the LTV population, as is the frequency in which braking is reported as a crash avoidance action. These data strongly indicate that there are no inordinate crash or braking problems associated with LTVs in the 3,500 to 4,536 kg weight range.

Although specific manufacturer design strategies are not known to the agency, and resulting costs cannot be precisely quantified, the agency believes that the potential safety benefits of modifying vehicles in the 3,500 to 4,536 kg weight range to meet the requirements of Standard No. 135 are not substantial enough to justify the expected costs of these modifications. As previously stated, vehicles in this weight range are estimated to represent about 10 to 13 percent of all trucks and vans with a GVWR below 10,000 lbs. Sport utility and passenger vehicles in this weight range, such as the Chevy Suburban are estimated to represent a small portion of the total vehicles in this weight range.

The two regulatory options available in selecting the appropriate brake system standard for vehicles in this weight range are: (1) keeping them in Standard No. 105, or (2) further extending the applicability of Standard No. 135 to include them. Keeping them under Standard No. 105 appears to be the more appropriate option, given that Standard No. 135 was originally developed to harmonize passenger car braking standards with vehicles under the ECE regulations for light passenger vehicles, which are in the M1 category. Even if Standard No. 135 is modified to permit a brake pedal force of 700 N, this would not improve sufficiently the performance of many of the vehicles in the 3,500–4,536 kg weight range to bring them into compliance with many of the stopping distance requirements in Standard No. 135. Standard No. 105 allows stopping distance requirements for vehicles with a GVWR between 3,500 and 4,536 kg in this weight range which are slightly longer than the distance allowed for smaller vehicles. Standard No. 135 specifies wheel lock sequence performance to address directional stability during braking, while Standard No. 105 has no similar requirements. On the other hand, the

pre-burnish test, the water test, and the dynamic emergency brake test of Standard No. 105 are not included in Standard No. 135.

C. Agency Decision

NHTSA has decided that Standard No. 105 should continue to apply to vehicles with GVWRs between 3,501 kg (7,716 lbs.) and 4,536 kg (10,000 lbs.) for continuity with current requirements. Continuing to require vehicles with a GVWR above 3,500 kg (7,716 lbs.) to comply with Standard No. 105 would provide most of the safety benefits of Standard No. 135, while eliminating the need for possibly significant brake system redesign if such vehicles were required to comply with Standard No. 135. NHTSA believes that, given the relatively low sales volume of these vehicles, redesign of their brake systems would be particularly burdensome and any safety benefits would be limited.

In addition, extending Standard No. 135 to vehicles in the 3,501–4,536 kg weight category would unnecessarily move the standard away from harmonization with its European counterpart, ECE R13–H. Standard No. 135 was established in the first instance pursuant to NHTSA's ongoing efforts to harmonize its passenger car braking standards with international standards, consistent with the agency's statutory mandate to increase motor vehicle safety. By continuing to align the vehicle applicability of Standard No. 135 with the ECE categories M1 and N1, the agency will ensure that future harmonization efforts will be easier to implement. The vehicles to which Standard No. 135 apply will continue to be equivalent to the vehicles covered by ECE categories M1 and N1. Standard No. 105 will continue to apply to trucks, buses, and multipurpose passenger vehicles, the equivalent to ECE categories M2, M3, N2, and N3. NHTSA believes, therefore, that alignment of its standards in that way will facilitate the implementation of future harmonization efforts.

In view of the above, the agency withdraws the rulemaking action that it initiated in its May 1996 NPRM.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on April 20, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–10317 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223, 224, and 226

[I.D. 121198A and 033198A]

Endangered and Threatened Species; Extension of Comment Period and Notice of Public Hearings on Proposed Designation of Critical Habitat for West Coast Steelhead; Notice of Public Hearings on Proposed De-listing of Umpqua River Cutthroat Trout

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; public hearings and extension of public comment period.

SUMMARY: NMFS is extending the public comment period by 60 days and announcing public hearings in California, Washington, Oregon, and Idaho on the proposed designation of critical habitat for nine Evolutionarily Significant Units (ESUs) of west coast steelhead (*Oncorhynchus mykiss*). NMFS is also announcing public hearings on a proposal to de-list the Umpqua River ESU of coastal cutthroat trout (*Oncorhynchus clarki clarki*).

DATES: See **SUPPLEMENTARY INFORMATION** for dates and times of public hearings. The date of written comments on the steelhead proposed critical habitat designation is extended from May 6, 1999 to July 5, 1999. Comments on both the listing and de-listing proposals are due by July 6, 1999.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for locations of public hearings. Written comments on the proposed rules and requests for reference materials should be sent to Chief, Protected Species Division, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, (503) 231-2005, Craig Wingert, (562) 980-4021, or Chris Mobley (301) 713–1401. Copies of the **Federal Register** documents cited herein and additional salmon-related materials are available via the Internet at www.nwr.noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 1999 (64 FR 5740), NMFS issued a proposed rule to designate critical habitat for nine ESUs of west coast steelhead listed as threatened or endangered under the Endangered Species Act (ESA) (62 FR 43937, August 18, 1997; 63 FR 13347, March 19, 1998; 64 FR 14517, March 25, 1999). Proposed critical habitat for all nine ESUs is the current freshwater and estuarine range (including all waterways, substrates, and adjacent riparian zones) below longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years) and several dams that block access to former anadromous habitats. Since the proposed designation, NMFS has received several requests for public hearings in affected communities within the range of the nine ESUs and is now announcing the dates and locations of these hearings. In addition, the agency is extending the May 6, 1999 comment period deadline by 60 days to allow additional time for public hearings and subsequent public responses to those hearings. Hence, July 5, 1999, is the new deadline for submitting written comments on the steelhead proposed critical habitat designation.

Also, on April 5, 1999, NMFS published a proposed rule to list one ESU of coastal cutthroat trout (Southwestern Washington/Columbia River) as a threatened species under the ESA and to de-list another ESU (Umpqua River) previously listed as an endangered species (64 FR 16397). The agency has received a request for a hearing on the latter proposal but none on the former. Therefore, NMFS is also announcing public hearings on the Umpqua River proposed de-listing; comments on both the listing and de-listing proposals are due by July 6, 1999.

Public Hearings

NMFS is soliciting specific information, comments, data, and/or recommendations on any aspect of these proposals from all concerned parties. Public hearings provide an additional opportunity for the public to give comments and to permit an exchange of information and opinion among interested parties. Department of Commerce ESA implementing regulations state that the Secretary of Commerce ''shall promptly hold at least one public hearing if any person so requests within 45 days of publication of a proposed regulation to list...species'' (50 CFR 424.16 (c)(3)). NMFS has received several requests for public hearings in the areas affected by the proposals and has made every effort to accommodate the specific requests. While the agency was unable to hold hearings at every site requested, the locations selected should be reasonably accessible to most interested parties. The public will have the opportunity to

provide oral and written testimony at the scheduled public hearings. Interested parties unable to attend the public hearings are encouraged to send comments to NMFS (see **ADDRESSES**). The agency will consider all information, comments, and recommendations received before reaching a final decision on these listing and critical habitat proposals. Public hearings will be held as follows:

Public Hearings Regarding Steelhead Critical Habitat

1. Tuesday, May 11, 1999, 6:30 p.m. to 9:00 p.m., DoubleTree Hotel/Redding, 1830 Hilltop Drive, Redding, California.

2. Wednesday, May 12, 1999, 6:30 p.m. to 9:00 p.m., The Heritage Hotel and Convention Center (formerly The Beverly Garland Hotel), 1780 Tribute Road, Sacramento, California.

3. Thursday, May 13, 1999, 6:30 p.m. to 9:00 p.m., Modesto Irrigation District, 1231 11th Street, Modesto, California.

4. Tuesday, May 18, 1999, 6:30 p.m. to 9:00 p.m., DoubleTree Hotel Sonoma County; One DoubleTree Drive, Rohnert Park, California.

5. Wednesday, May 19, 1999, 6:30 p.m. to 9:00 p.m., Monterey Beach Hotel; 2600 Sand Dunes Drive, Monterey, California.

6. Thursday, May 20, 1999, 6:30 p.m. to 9:00 p.m., Fess Parker's Doubletree Resort; 633 East Cabrillo Boulevard, Santa Barbara, California.

7. Tuesday, May 25, 1999, 6:30 p.m. to 9:00 p.m., Umpqua Discovery Center, 409 Riverfront Way, Reedsport, Oregon.

8. Wednesday, May 26, 1999, 6:30 p.m. to 9:00 p.m., Douglas County Courthouse, Room 216, 1036 SE Douglas Avenue, Roseburg, Oregon.

9. Thursday, May 27, 1999, 6:30 p.m. to 9:00 p.m., Eugene City Hall, Council Chambers, 777 Pearl Street, Eugene, Oregon.

10. Tuesday, June 1, 1999, 6:30 p.m. to 9:00 p.m., Chelan Center, 317 East Johnson, Chelan, Washington.

11. Wednesday, June 2, 1999, 6:30 p.m. to 9:00 p.m., Yakima County Courthouse, Room 420, 128 North 2nd Street, Yakima, Washington.

12. Thursday, June 3, 1999, 6:30 p.m. to 9:00 p.m., Lewiston Community Center, 1424 Main Street, Lewiston, Idaho.

13. Friday, June 4, 1999, 6:30 p.m. to 9:00 p.m., Natural Resource Center, Bureau of Land Management, 1387 South Binnell Way, Boise, Idaho.

14. Monday, June 7, 1999, 6:30 p.m. to 9:00 p.m., Metro Regional Center, Council Chamber, 600 NE Grand Avenue, Portland, Oregon.

15. Thursday, June 10, 1999, 6:30 p.m. to 9:00 p.m., Wasco County Courthouse, 511 Washington Street, Courtroom 301, The Dalles, Oregon.

Public Hearings Regarding Umpqua River Cutthroat Trout Proposal

1. Tuesday, May 25, 1999, 6:30 p.m. to 9:00 p.m., Umpqua Discovery Center, 409 Riverfront Way, Reedsport, Oregon.

2. Wednesday, May 26, 1999, 6:30 p.m. to 9:00 p.m., Douglas County Courthouse, Room 216, 1036 SE Douglas Avenue, Roseburg, Oregon.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other aids should be directed to Garth Griffin or Craig Wingert (see **ADDRESSES**) by 7 days prior to each meeting date.

Dated: April 20, 1999.

Hilda Diaz-Soltero,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–10392 Filed 4–21–99; 4:06 pm]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 64, No. 79

Monday, April 26, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 99–027N]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold a public meeting May 26–May 28, 1999 to review and discuss ongoing and completed issues on meat and poultry, fresh produce, risk assessments, and Qualification Through Verification (QTV).

DATES: The Meat and Poultry Working Group and the Risk Assessment Working Group on *Vibrio parahaemolyticus* will hold a public meeting on Wednesday, May 26, 1999, beginning at 8:00 a.m. The QTV Working Group and the Risk Assessment Working Group on *Listeria* will meet on Thursday, May 27, 1999, beginning at 8:00 a.m. The full Committee will hold a public meeting on Friday, May 28, 1999, beginning at 8:00 a.m.

ADDRESSES: The meeting will be held at The Ambassador West Hotel, 1300 North State Parkway, Chicago, Illinois 60601; telephone (312) 787–3700.

FOR FURTHER INFORMATION CONTACT: Persons wishing to register for the meeting, schedule a presentation, submit technical papers, or provide comments should contact Ms. Mary Harris at (202) 501–7315, FAX (202) 501–7615, or e-mail address: mary.harris@usda.gov, or mailing address: FSIS, USDA, Room 6904E-Franklin Court, 1400 Independence Avenue, SW, Washington, DC 20250–3700. All papers submitted must be received no later than 4:30 p.m., May 6, 1999. All documents become part of the Committee records.

All other written comments must be submitted (one original and two copies) to the FSIS Docket Clerk, Docket #99–027N, 102 Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250–3700. All written comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Harris by May 7, 1999.

SUPPLEMENTARY INFORMATION: The NACMCF provides advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services regarding the microbiological safety of foods. The Committee also provides advice to the Centers for Disease Control and Prevention and to the Departments of Commerce and Defense. Dr. I. Kaye Wachsmuth, Deputy Administrator, Office of Public Health and Science, FSIS is the Committee Chair.

During the full Committee meeting, the Fresh Produce Working Group will submit a white paper on sprouts for adoption by the full Committee. The Risk Assessment Working Group will discuss issues related to the risk assessments being developed to examine the relationships of *Listeria monocytogenes* and *Vibrio parahaemolyticus* and their consequences to human health. The Meat and Poultry Working Group will discuss very small plant Hazard Analysis and Critical Control Point (HACCP) guidelines and the potential for *Campylobacter* performance standards. A presentation will be made by the Agricultural Marketing Service (AMS) on its Qualification Through Verification program, a voluntary user fee audit and verification service to assist fresh-cut produce companies to ensure the safety of their products. AMS will seek scientific review from the Committee on the food safety elements of the program.

Done at Washington, DC, on April 20, 1999.

Thomas J. Billy,

Administrator.

[FR Doc. 99–10350 Filed 4–23–99; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Subcommittee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee will meet on May 6, 1999, at the Double Tree Hotel, Columbia River, 1401 N. Hayden Island Drive, Portland, Oregon, 97217. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan. The meeting will begin at 9:15 a.m. and continue until 3:00 p.m. Agenda items to be discussed include, but are not limited to: information sharing on salmon restoration and recover from the Tribal perspective; continued discussion on integrating the forest plan into the management landscape; and progress reports on effectiveness monitoring and information issues. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTRACT: Questions regarding this meeting may be directed to Don Knowles, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–808–2180).

Dated: April 20, 1999.

Donald R. Knowles,

Designated Federal Official.

[FR Doc. 99–10343 Filed 4–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.
ACTION: Notice of meeting.

SUMMARY: The Klamath Provincial Advisory Committee will meet on May 6–7, 1999, at the Six Rivers National Forest Conference Room, 1330 Bayshore Way, Eureka, California. On Thursday, May 6, the PAC will meet from 9:00 a.m. to 5:00 p.m. On Friday, May 7, the meeting will start at 8:00 a.m. and adjourn at 12:00 p.m. Agenda items for the meeting include: (1) Water Rights Adjudication Process in the Upper Klamath Basin; (2) Five County Coho Salmon Planning Effort; (3) Economic Impact of the Northwest Forest Plan on Two Small Communities in Oregon; (4) Subcommittee Reports; and (5) Public Comment Periods. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Connie Hendryx, USDA, Klamath National Forest, 1312 Fairlane Road, Yreka, California 96097; telephone 530–841–4468 (voice), TDD 530–841–4573.

Dated: April 19, 1999.

Michael P. Lee,

Designated Federal Official.

[FR Doc. 99–10344 Filed 4–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Olympic Provincial Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.
ACTION: Notice of meeting.

SUMMARY: The Olympic PIEC Advisory Committee will meet on May 13 and 14, 1999. The meeting will begin at 1:00 p.m. on Thursday, May 13 which will be spent in the field visiting one of the Forestry Training Center's demonstration areas. The field trip will conclude approximately 5:00 p.m. The committee will assemble for the field trip at the Forestry Training Center on Industrial Way north of Forks. On Friday the 19th, the meeting will be held in the Olympic Natural Resource Center's conference room and will begin at 8:30 a.m. and continue until 2:00 p.m. Agenda topics are: (1) Introduction of new Forest Supervisor; (2) Forestry Training Center Stewardship Subcommittee report; (3) Olympic Natural Resource Center Update; (4) National Marine Fisheries Service update on Endangered Species Act listings of fish; (5) Wolf Recovery & Elk Protection update; (6) Status of Forest Roads; (7) Open Forum; and (8) Public Comments. All Olympic Province Advisory Committee Meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Ken Eldredge, Province Liaison, USDA, Olympic National Forest Headquarters, 1835 Black Lake Blvd., Olympia, WA 98512–5623, (360) 956–2323 or Dale Hom, Forest Supervisor, at (360) 956–2301.

Dated: April 14, 1999.

Kathy O'Halloran,

Acting Forest Supervisor, Olympic National Forest.

[FR Doc. 99–10310 Filed 4–23–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–847]

Preliminary Determination of Critical Circumstances: Certain Cut-To-Length Carbon-Quality Steel Plate From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Wendy J. Frankel at (202) 482–5849 (Japan), Irene Darzenta Tzafolias at (202) 482–0922 (Indonesia and the Former Yugoslav Republic of Macedonia (FYR Macedonia)), and James Maeder at (202) 482–3330 (Czech Republic), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

PRELIMINARY DETERMINATION OF CRITICAL CIRCUMSTANCES:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (1998).

Critical Circumstances

In antidumping (AD) petitions filed on February 16, 1999, petitioners alleged that certain cut-to-length plate from eight countries (the Czech Republic, Indonesia, Japan, FYR Macedonia, France, India, Indonesia, and the Republic of Korea) is being dumped in the United States and that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports from the Czech Republic, Indonesia, Japan, and FYR Macedonia. On March 8, 1999, the Department of Commerce (the Department) initiated investigations to determine whether imports of certain cut-to-length carbon-quality steel plate (CTL plate) from the eight countries subject to AD petitions are being, or are likely to be, sold in the United States at less than fair value (LTFV) (64 FR 12959, March 16, 1999). At that time we also initiated investigations to determine whether critical circumstances exist with respect to imports of CTL plate from the Czech Republic, Indonesia, Japan, and FYR Macedonia.

On April 2, 1999, the International Trade Commission (ITC) determined that imports of CTL plate from the Czech Republic and FYR Macedonia are negligible and, therefore, terminated the investigations regarding these countries. Thus, the issue of critical circumstances with regard to imports from these countries is moot. With respect to imports from Indonesia and Japan, however, the ITC determined that there is a reasonable indication of material injury to the domestic industry from imports of CTL plate from Japan.

In accordance with 19 CFR 351.206(c)(2)(i), because petitioners submitted a critical circumstances allegation at least 20 days before the scheduled date of the preliminary determination, the Department must issue a preliminary critical circumstances determination not later than the date of the preliminary determination. In a policy bulletin issued on October 8, 1998, the Department stated that it may issue a preliminary critical circumstances determination prior to the date of the preliminary determination of dumping, assuming adequate evidence of critical circumstances is available (*See Change in Policy Regarding Timing of Issuance of Critical Circumstances Determinations*, 63 FR 55364). In accordance with this policy, at this time we are issuing a preliminary critical circumstances decision in the investigation of imports of CTL plate from Japan for the reasons discussed below and in the April 8,

1999, Memorandum from Holly A. Kuga to Bernard Carreau regarding: Antidumping Duty Investigation of Certain Cut-To-Length Carbon Quality Steel Plate from Japan—Preliminary Determination of Critical Circumstances (Critical Circumstances Preliminary Determination Memo). However, with respect to imports of CTL plate from Indonesia, at this time, there is insufficient evidence on the record that importers, exporters, or producers knew or should have known, at some time prior to the filing of the petition, that a proceeding concerning Indonesia was likely. Consequently, the appropriate comparison period for determining whether imports have been massive would begin at the time of filing of the petition. Because data for this period are not yet available, the Department will make its preliminary critical circumstances finding by the date of its preliminary determination regarding dumping.

Section 733(e)(1) of the Act provides that the Department will determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

History of Dumping and Importer Knowledge

We are not aware of any existing antidumping order in any country on CTL plate from Japan. However, on May 30, 1978, the Department of the Treasury published in the **Federal Register** (T.D. 78–150, 43 FR 22937) a dumping finding on carbon steel plate from Japan, which was revoked based on changed circumstances on April 17, 1986 (51 FR 13039). Thus there has been a history dumping of carbon steel plate from Japan.

Moreover, we examined whether there was importer knowledge. In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known that the exporter was selling CTL plate at LTFV and thereby causing material injury, the Department must rely on the facts before it at the time the determination is made. The Department normally considers margins of 25 percent or more and a preliminary ITC determination of material injury sufficient to impute knowledge of dumping and the likelihood of resultant material injury.

In the present case, since we have not yet made a preliminary finding of dumping, the most reasonable source of information concerning knowledge of dumping is the petition itself. In the petition, petitioners calculated estimated dumping margins for several Japanese producers, the levels of which ranged from 55 to 59 percent, all exceeding the 25 percent threshold. Therefore, we preliminarily determine that importers knew or should have known that the exporters were dumping the subject merchandise.

As to the knowledge of likely injury from such dumped imports, the ITC preliminarily found material injury to the domestic industry due to imports of CTL plate from Japan. Therefore, with respect to Japan, we preliminarily find that there is a reasonable basis to believe or suspect that importers knew or should have known that material injury from the dumped merchandise was likely.

Massive Imports

In determining whether there are ''massive imports'' over a ''relatively short time period,'' the Department ordinarily bases its analysis on import data for at least the three months preceding (the ''base period'') and following (the ''comparison period'') the filing of the petition. Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period. However, as stated in the Department's regulations, at section 351.206(i), if the Secretary finds that importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Secretary may consider a time period of not less than three months from that earlier time.

In this case, petitioners argue that importers, exporters, or producers of Japanese CTL plate had reason to believe that an antidumping proceeding was likely before the filing of the petition. The Department examined whether conditions in the industry and published reports and statements provide a basis for inferring knowledge that a proceeding was likely. For Japan, we found that such press reports, particularly throughout the summer of 1998, were sufficient to establish that by the end of August 1998, importers, exporters, or producers knew or should have known that a proceeding was likely concerning CTL plate from Japan. (*See* discussion in the Critical Circumstances Preliminary Determination Memo). Accordingly, we examined the increase in import volumes from September 1998 through January 1999 as compared to April 1998 through August 1998 and found that imports of CTL plate from Japan increased by more than 175 percent (*see* Attachment II to the Critical Circumstances Preliminary Determination Memo). Therefore, pursuant to section 733(e) of the Act and section 351.206(h) of the Department's regulations, we preliminarily determine that there have been massive imports of CTL plate from Japan over a relatively short time.

Conclusion

We preliminarily determine that there is a reasonable basis to believe or suspect that critical circumstances exist for imports of CTL plate from Japan.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, upon issuance of an affirmative preliminary determination of sales at LTFV in the Japan investigation, the Department will direct the U.S. Customs Service to suspend liquidation of all entries of CTL plate from Japan, that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication in the **Federal Register** of our preliminary determination of sales at LTFV. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins reflected in the preliminary determination of sales at LTFV published in the **Federal Register**. This suspension of liquidation will remain in effect until further notice.

Final Critical Circumstances Determination

We will make a final determination concerning critical circumstances for Japan when we make our final determination regarding sales at LTFV in that investigation, which will be 75 days (unless extended) after the preliminary determination regarding sales at LTFV.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. This notice is published pursuant to section 777(i) of the Act.

Dated: April 9, 1999.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–10418 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India; Notice of Extension of Time Limit for New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the new shipper review of the antidumping duty order on stainless steel bar from India. The period of review is February 1, 1998 through July 31, 1998. This extension is made pursuant to Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Stephanie Hoffman, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–4198.

SUPPLEMENTARY INFORMATION: Because this case is extraordinarily complicated, the Department of Commerce (''the Department'') is extending the time limit for completion of the preliminary results to not later than August 18, 1999, in accordance with section 751(a)(2)(B)(iv) of the Uruguay Round Agreements Act (''the Act''). *See* April 19, 1999, Memorandum from Richard W. Moreland to Robert LaRussa on file in the public file of the Central Records Unit, B–099 of the Department.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: April 20, 1999.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 99–10419 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–085]

Preliminary Results of Full Sunset Review: Sugar and Syrups From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of full sunset review: Sugar and Syrups from Canada.

SUMMARY: On October 1, 1998, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on sugar and syrups from Canada (63 FR 52683) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate filed on behalf of the domestic industry and adequate substantive comments filed on behalf of the domestic industry and a respondent interested party, the Department is conducting a full review. As a result of this review, the Department preliminarily finds that revocation of the antidumping duty order is not likely to lead to continuation or recurrence of dumping.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

Effective Date: April 26, 1999.

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*''). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

The merchandise subject to this antidumping duty order is sugar and syrups from Canada produced from sugar cane and sugar beets. The sugar is refined into granulated or powdered sugar, icing, or liquid sugar.[1] The subject merchandise is currently classified under Harmonized Tariff Schedule of the United States (''HTSUS'') item numbers 1701.99.0500, 1701.99.1000, 1701.99.5000, 1702.90.1000, and 1702.90.2000. Although the subheadings are provided for convenience and customs purposes, the written description remains dispositive.

On March 24, 1987, the Department revoked the order, in part, with respect to Redpath Sugar Ltd. (''Redpath'') (52 FR 9322, March 24, 1987). On January 7, 1988, the Department revoked the order, in part, with respect to Lantic Sugar, Ltd. (''Lantic'') (53 FR 434, January 7, 1988). In 1996, the Department determined that Rogers Sugar, Ltd. (''Rogers'') was the successor in interest to British Columbia Sugar Refining Company, Ltd. (''BC Sugar'').[2] In its substantive response, the United States Beet Sugar Association (''the USBSA'') stated that there are three companies in Canada that constitute the Canadian domestic industry: Lantic, Redpath, and Rogers. Further, all three companies, or their predecessors, were involved in the original investigation. Because the order was revoked for Lantic and Redpath, only Rogers is currently subject to the order.

Background

On October 1, 1998, the Department initiated a sunset review of the antidumping duty order on sugar and syrups from Canada (63 FR 52683), pursuant to section 751(c) of the Act. On October 16, 1998, the Department received a Notice of Intent to Participate on behalf of a domestic interested party, the USBSA, within the applicable deadline (October 16, 1998) specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* The USBSA claimed interested party status under section 771(9)(E) of the Act as a trade association whose members produce sugar in the United States and indicated that, although not the original petitioners, it had participated in several administrative reviews. We received complete substantive responses

[1] This order excludes icing sugar decorations as determined in the U.S. Customs Classification of January 31, 1983 (CLA–2 CO:R:CV:G).

[2] *See Sugar and Syrups from Canada; Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 61 FR 51275 (October 1, 1996).

to the notice of initiation on November 2, 1998, on behalf of the USBSA and Rogers. In its substantive response, Rogers claimed interested party status under section 771(9)(A) of the Act.

Based on the information submitted by Rogers concerning the volume of its exports and the volume of imports as reported in the U.S. Census Bureau IM146 Reports, Rogers accounted for significantly more than 50 percent of the value of total exports of the subject merchandise over the five calendar years preceding the initiation of the sunset review. Therefore, respondent interested parties provided an adequate response to the notice of initiation and the Department is conducting a full sunset review in accordance with section 351.218(e)(2)(i) of the *Sunset Regulations.*

The Department determined that the sunset review of the antidumping duty order on sugar and syrups from Canada is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). (*See* section 751(c)(6)(C) of the Act.) Therefore, on January 15, 1999, the Department extended the time limit for completion of the preliminary results of this review until not later than April 19, 1999, in accordance with section 751(c)(5)(B) of the Act.[3]

Determination

In accordance with section 751(c)(1) of the Act, the Department is conducting this review to determine whether revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping. Section 752(c) of the Act provides that, in making this determination, the Department shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews and the volume of imports of the subject merchandise for the period before and the period after the issuance of the antidumping duty order, and it shall provide to the International Trade Commission (''the Commission'') the magnitude of the margin of dumping likely to prevail if the order is revoked.

The Department's determinations concerning continuation or recurrence of dumping and the magnitude of the margin are discussed below. In addition, parties' comments with respect to continuation or recurrence of dumping and the magnitude of the margin are addressed within the respective sections below.

Continuation or Recurrence of Dumping

Parties' Comments

In its substantive response, the USBSA argued that revocation of the antidumping duty order would likely result in the recurrence of dumping of refined sugar and syrups from Canada (*see* Substantive Response of the USBSA, November 2, 1998). The USBSA noted that refined sugar from Canada, and of Canadian origin, is subject to a tariff rate quota (''TRQ'') allocation. The USBSA stated that the TRQ allows 10,300 metric tons (''MT'') of refined sugar to enter the United States duty-free.[4] The USBSA stated that sugar from Canada entering the United States above the 10,300 MT level, also known as the tier 2 level, is currently subject to the tier 2 tariff rate.[5]

Additionally, the USBSA stated that only Rogers, which succeeded BC Sugar and consequently is subject to BC Sugar's zero percent *ad valorem* cash deposit rate, is currently subject to the order. The USBSA noted that Rogers is the owner of Canada's sole sugar beet processing facility; a facility that is being modernized and expanded.

The USBSA did not address whether dumping continued at any level above *de minimis* after the issuance of the order. Rather, the USBSA argued that imports of the subject merchandise fell dramatically immediately following the issuance of the order in 1980. The USBSA, citing U.S. Department of Agriculture publications, states that import volumes of the subject merchandise from Canada in 1979 were 89,521 short tons and, in 1980, the year of the imposition of the order, sugar and syrups imports from Canada fell to 639 short tons. Therefore, the USBSA argues that, based on the cessation of imports in the period immediately following the imposition of the order, the Department should find that revocation of the order would be likely to lead to the recurrence of dumping.

The USBSA stated that, in the past, the existence of the tier 2 tariff, in conjunction with the TRQ, has limited imports of sugar into the United States. However, the USBSA contended the decimation of the world sugar price over the past several years has eroded the tier 2 tariff's position as an impediment to imports. The USBSA concludes that, based on the trend in world market prices, by the year 2000 (the earliest possible effective date of revocation of the order pursuant to this sunset review) exporters of Canadian sugar will be able to ship refined sugar to the United States at less-than-fair value prices despite the TRQ.

Additionally, the USBSA stated that the legislative underpinning for current U.S. sugar policy is due to expire at the end of 2002. Therefore, it asserted, the TRQ will not be as significant an obstacle to future imports as it has in the past and the need to preserve the order is greater than it was a few years ago. Finally, the USBSA argued that the existence of the TRQ and the tier 2 tariff does not provide a rationale for revoking the order. The USBSA stated that, despite the intervention of the TRQ and the development of U.S. sugar policy, the U.S. sugar producing industry continued to support the order and regularly expressed to the Department opposition to any proposed revocation.

In its comments addressing the magnitude of dumping likely to prevail if the order were revoked, the USBSA estimated dumping margins based on current U.S. and Canadian prices. The USBSA calculated estimated dumping margins of 30.82 percent for sugar entering the United States within the TRQ limits[6] and 409 percent for sugar entering the United States subject to the tier 2 tariff.[7]

In its substantive response, Rogers argued that revocation of the order would precipitate no change in its current U.S. pricing. Rogers based this statement on the following facts: Rogers' current dumping margin is zero percent and, therefore, the dumping margin does not affect selling price; Rogers' exports to the United States are limited by quotas; Rogers supplies virtually all Canadian exports to the United States under both the global and Canada-specific quotas; and Rogers would not

[3] *See Sugar and Syrups from Canada: Extension of Time Limit for Preliminary Results of Five-Year Review,* 64 FR 3683 (January 25, 1999).

[4] Rogers, in its rebuttal comments, stated that the TRQ allocation of sugar from Canada for 1998 was actually 10,300 MT of raw sugar which, when converted, is 9,579 metric tons of refined sugar. Through telephone conversations with U.S. Department of Agriculture officials, the Department has confirmed that the TRQ allocation of sugar from Canada for 1998 was 10,300 MT of *refined* sugar.

[5] The tier 2 tariff rate is US$0.1716/lb (1998). The Department notes that a global TRQ, with a limit of 7,090 MT of refined sugar, also exists with tier 1 level duty exemptions. Because this global quota is filled on a first come, first served basis, Canada could, theoretically, export up to 17,390 MT of refined sugar to the United States under the current TRQ system at the tier 1 level.

[6] The Department notes that a global TRQ, with a limit of 7,090 MT refined sugar, also exists with tier 1 level duty exemptions established on a first come, first served basis.

[7] The tier 2 tariff rate is US$0.1716/lb (1998). The USBSA also estimated a dumping margin, based on constructed value calculations, for sugar entering the United States from Canada at the tier 1 tariff level and at the tier 2 tariff level. Those margins are 9.3 percent and 325 percent, respectively.

export to the United States below the Canadian domestic price given the current and historical spread between the supply-managed U.S. raw sugar price and the Canadian market price, which tracks world market prices.

With respect to import volumes, Rogers submitted information on the volume and value of its exports to the United States for fiscal years 1994–1998. In addition, Rogers submitted an approximation of the volume of direct exports to the United States during fiscal year 1979, the year preceding the imposition of the antidumping duty order. This volume was based on exports from BC Sugar. This information showed that the volume of imports in each fiscal year since 1994, exceeded the volume of imports during fiscal year 1979.

Additionally, Rogers argued that, as a result of the combined effect of the programs the United States has in place on the importation of raw and refined sugar, the U.S. price-supported sugar program, and customs rulings which resulted in cane sugar refined in Canada being excluded from the U.S. market, there is virtually no chance that revocation of the antidumping duty order would result in the resumption of dumping.

In its rebuttal comments, the USBSA stated that Rogers confirmed that it is the only beet sugar processing facility in Canada. Further, the USBSA argued that, given the downward trend in the world price of sugar and the coming economic feasibility of entering refined sugar into the United States notwithstanding the existence of the TRQ and the tier 2 tariff, the capacity being added at Rogers' beet sugar facility in Alberta must be viewed as a likely source of supply for the U.S. market.

In its rebuttal comments, Rogers stated that the USBSA's allegations concerning increases in sugar beet production capacity in Canada are factually incorrect. Rogers stated that current capacity in Canada is less than it has been historically and submitted production statistics for each facility. Rogers argued that increases in production capacity made in the recent past are meant to offset decreases in production capacity associated with the closure of its Winnipeg, Manitoba facility.

With respect to the volume of exports to the United States, Rogers notes that the TRQ is on the value of raw sugar and, as such, the volume of actual refined sugar allowed to enter the United States is 9,579 MTs, not 10,300 MTs. Rogers argued that its exports to the United States can hardly be considered a large volume when compared to the U.S. consumption of 10,225,000 short tons.

In its rebuttal comments, Rogers argued that the USBSA's reference to the world refined sugar price is irrelevant to this proceeding because Rogers only exports to the United States. Rather, it contended, the only prices relevant to this proceeding are the Canadian home market price and U.S. price of beet sugar. Further, Rogers argued that the USBSA's discussion of world refined pricing overtaking the TRQ is speculative. Rogers argued that lower world prices for raw sugar will lead to lower Canadian refined prices as compared to the high U.S. supported price and, thus, the chance of dumping would be less, not more.

Department's Determination

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (''URAA''), specifically the Statement of Administrative Action (''the SAA''), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt.1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the bases for likelihood determinations. In its *Sunset Policy Bulletin*, the Department indicated that determinations of likelihood will be made on an order-wide basis (*see* section II.A.3). In addition, the Department indicated that normally it will determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly (*see* section II.A.3). In instances where none of the above criteria are met, the Department will normally determine that revocation of the order will not be likely to lead to continuation or recurrence of dumping.

The antidumping duty order on sugar and syrups from Canada was published in the **Federal Register** on April 9, 1980 (45 FR 24126). Since that time, the Department has conducted several administrative reviews of this order.[8] As noted above, the order has been revoked with respect to two of the three existing Canadian producers of sugar. Therefore, only Rogers is currently subject to the order.

Consistent with section 752(c) of the Act, the Department considered whether dumping continued at any level above *de minimis* after the issuance of the order. In the administrative review covering the period April 1, 1981 through March 31, 1982, BC Sugar (the predecessor to Rogers) was found to have a zero margin (*see Sugars and Syrups From Canada; Final Results of Administrative Review of Antidumping Duty Order*, 48 FR 49327 (October 25, 1983)) and its cash deposit rate for future entries was set at zero. Exports by BC Sugar, and its successor Rogers, have been subject to a zero deposit rate since that time. Therefore, we preliminarily determine that dumping did not continue at any level above *de minimis* after the issuance of the order.

In addition, consistent with section 752(c) of the Act, the Department also considered whether imports ceased after the issuance of the order. Citing a reduction in imports from about 90,000 short tons in 1979 to a little over 600 short tons in 1980, when the order was issued, the USBSA argued that imports ceased after the issuance of the order. The USBSA also noted that exports of sugar from Canada have been limited by quotas that have been in effect since 1982. Although there was a decrease in the volume of imports during 1980, imports of subject merchandise from Canada increased thereafter and have continued after the issuance of the order. Therefore, we preliminarily determine that imports did not cease after the issuance of the order.[9]

The Department also considered whether dumping was eliminated after

[8] *See Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review*, 46 FR 27985 (May 22, 1981); *Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review*, 47 FR 25393 (June 11, 1982); *Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review*, 48 FR 49327 (October 25, 1983); *Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review*, 51 FR 20322 (June 4, 1986); *Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review and Revocation in Part*, 52 FR 9322 (March 24, 1987); *Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review*, 52 FR 21340 (June 5, 1987); and *Sugar and Syrups from Canada; Final Results of Antidumping Duty Administrative Review and Revocation in Part*, 53 FR 434 (January 7, 1988).

[9] Rogers submitted information on its exports to the United States since 1990 in its November 3, 1998 submission. The Department conducted administrative reviews of shipments between 1979 and 1987. Additionally, import statistics from the U.S. Census Bureau IM146 Reports, U.S. Department of Commerce statistics, U.S. Department of Treasury statistics, and information supplied by the U.S. International Trade Commission show imports of sugar from Canada from 1988 through the present. *See also* footnote 11.

the issuance of the order and import volumes for the subject merchandise declined significantly. Based on sales between April 1, 1981 through March 31, 1982, the margin of dumping for BC Sugar was determined to be zero. Neither BC Sugar nor its successor, Rogers, has been subject to an administrative review since that time. We agree with the USBSA that, since the imposition of the order, total annual exports of sugar from Canada have been below the pre-order level of total annual exports of sugar from Canada. However, because Rogers is the only Canadian sugar producer subject to the order, we examined specifically the volume of Rogers' exports. In its substantive response, Rogers' provided the volume of its exports of subject merchandise for the most recent five fiscal years. In addition, Rogers reconstructed data for fiscal year 1979 exports from its predecessor, BC Sugar, and provided an approximation of the direct exports to the United States for that time period. A comparison of the volume data demonstrates that Rogers exports have not declined significantly since the issuance of the order. To the contrary, export volumes have increased significantly. Therefore, the Department preliminarily determines that dumping was eliminated by the sole Canadian sugar producer currently subject to the order and its export volumes have not declined significantly since the issuance of the order.

With respect to the USBSA's arguments regarding the TRQ, and the tier 2 tariff, and the potential for the recurrence of dumping if the TRQ is lifted in 2002, we do not find these arguments persuasive for several reasons. First, the Department finds the USBSA's argument speculative. There is no evidence to suggest that the elimination of the TRQ is a certainty. In fact, from 1948 to the present, there has only been a total of seven years where the importation of sugar was completely unrestricted.[10]

Second, if the United States were to eliminate all import restrictions on sugar from Canada and establish a market which tracked world prices, the Department finds no evidence to suggest that Rogers would resume dumping. Prior to the first post-order restrictions imposed in 1982, the Department established a deposit rate of zero percent for BC Sugar as a result of the 1981/1982 administrative review (48 FR 49327, October 25, 1983). As noted by both the USBSA and Rogers, beginning in 1982, the United States imposed quotas on imports of sugar. However, starting with the quota year October 1, 1990 through September 30, 1991, the United States implemented a TRQ which did not apply to Canada. Thus, Canadian exports were unrestricted until January 1, 1995, when a separate global quota of 22,000 MT was established and Canada was made subject to that quota. We found that, during the period of unrestricted Canadian access to the U.S. market (1991–1994), the volume of imports of sugar from Canada increased; imports increased from 34.7 million in 1990 to 74.6 million in 1991.[11] If, as the USBSA argued in this sunset review, an increased volume of imports will be accompanied by increased dumping, the domestic industry could have requested an administrative review during the period of unrestricted Canadian access. However, the Department did not receive a request for administrative review despite the fact that exports by the only Canadian producer subject to the order were subject to a deposit rate of zero percent. Therefore, the Department finds no reason to believe that dumping was occurring during this period.

With respect to the USBSA's assertions regarding Rogers' planned expansion and modernization of its sugar beet processing facility, as noted above, Rogers provided production data which supports its assertion that increased capacity at its Taber facility replaces capacity at its recently closed Winnipeg facility. In fact, the sugar production information provided by Rogers supports its assertion that sugar production, although increasing since the low of 1997, continues to be, and is forecasted to be less than production in 1994.

The USBSA also stated that while the TRQ and tier 2 tariff have been effective in limiting imports into the United States, decreases in world prices will cause Rogers to increase exports to the United States above the quota level despite the tier 2 tariff. We agree that the TRQ and tier 2 tariff have been effective in limiting imports into the United States. Our review of data, including U.S. Census Bureau IM146 reports, indicates that Canadian exports of the subject merchandise have not exceeded the Canada-specific and/or global TRQ level since it was first applied to Canada in 1995.[12] Based on U.S. Census Bureau IM146 reports and import statistics provided by Rogers, the Department finds no evidence to suggest that Rogers' exports have ever exceeded the tier 1 tariff level.

As to future decreases in world market prices, we note that the information provided by the USBSA on world refined sugar prices since 1990, shows that prices have fluctuated over this time period, with prices in fiscal year 1998 being only marginally below fiscal year 1993 prices. Therefore, the recent decrease in the world refined sugar price is not unprecedented. Additionally, the USBSA asserted that the major catalysts in the rapid decline of world sugar prices are a drop in demand in Asia and Russia as a result of the financial crisis in those regions.[13] However, according to FAS Online, ''[i]ndustry sources believe that sugar consumption will continue to grow in the Asian region, despite recent economic troubles, as sugar is seen as a staple commodity in the Asian diet.'' [14] Additionally, FAS Online notes that ''if the Government of Russia retracts the new tariffs on sugar and banks are able to facilitate trade, Russia could resume it's position as the world's major sugar importer early in 1999.'' [15] Therefore, we are not persuaded that the world market price of sugar will continue to fall as asserted by the USBSA.

Furthermore, the USBSA suggested that the continued reduction in the world price of sugar will enable Canadian sugar exporters (as well as exporters from other countries) to ship subject merchandise into the United States and pay the tier 2 tariff, precipitating an influx of dumped sugar into the United States. However, given the absence of restrictions on imports of sugar into Canada, we agree with Rogers that, if the world price of sugar declines, we would expect a commensurate decline in the Canadian home market price. Therefore, a decrease in the world price of sugar does not, by itself, suggest that Rogers would resume dumping if the order were to be revoked.

[10] Although access to the U.S. market for sugar was unrestricted, we note that Cuba has been barred from trading with the United States since 1962.

[11] These statistics reflect imports of sugar under HTS item numbers 1701.11, 1701.12, 1701.91, 1701.99, 1702.90, and 2106.90, which are broader than the scope of the order. These statistics were obtained from the Commission (http://dataweb.usitc.gov) and were compiled from tariff and trade data from the U.S. Department of Commerce, the U.S. Treasury, and the Commission.

[12] In telephone conversations with U.S. Department of Agriculture officials, they indicated that it is highly unlikely that any Canadian sugar subject to this antidumping duty order has entered the United States at the tier 2 level.

[13] The USBSA cited to The Czarnikow Sugar Review, No. 1889 (''Fears of Slower Far East Demand Impact Prices'') (February 1998), attached as part of Appendix 6 to USBSA's Substantive Response (November 2, 1998).

[14] FAS Online article ''World Sugar Situation,'' available at ''http://www.usda.gov/htp/sugar/1998/98-11/world.html'.

[15] *Id.*

Finally, with respect to the USBSA's arguments that current pricing information demonstrates dumping, we note that the USBSA did not provide evidence of ''good cause'' to support the Department's use of current pricing information (*see* section 351.218(d)(3)(iv) of the *Sunset Regulations*). However, even considering the substance of the USBSA's arguments, we note that there was a significant discrepancy between the values the USBSA and Rogers reported. Both the USBSA and Rogers supplied information related to Canadian and U.S. pricing and cost of production. The USBSA based its estimated dumping margins on U.S. wholesale prices, Canadian wholesale prices, and estimated transportation costs. The USBSA utilized a price from Rogers' Saskatchewan Price List as the Canadian wholesale price. In its rebuttal comments, however, Rogers argued that Canadian sellers operate on high list prices and high discounts and, because of this, the published list price of Rogers is much higher than its actual discounted price. Rogers submitted copies of record bulk sales invoices to Canadian customers, which supported its assertion that sales are discounted. These discounted prices were significantly below the price used by the USBSA to represent the Canadian market price. Rogers also provided its average annual prices into the United States for the past eight years. The value Rogers reported as its export price into the United States differed from the U.S. price used by the USBSA in its calculations. Finally, there was a significant difference in the cost of production values reported by both parties. [16] Therefore, we preliminarily determine that the information submitted by Rogers in its substantive and rebuttal responses refutes the more generalized data provided by the USBSA.

Based on this analysis, the Department preliminarily finds, consistent with the SAA at 889–90, and the House Report at 63, that declining (or no) dumping margins accompanied by steady or increasing imports may indicate that foreign companies do not have to dump to maintain market share in the United States and that dumping is less likely to continue if the order were revoked.'' That is, the Department preliminarily finds that the continued absence of a dumping margin for Rogers and the continued existence of imports from Rogers in substantial quantities demonstrates that Rogers is capable of selling the subject merchandise in the United States without dumping. Further, the Department preliminarily finds no evidence to suggest that Rogers would begin dumping subject merchandise in the foreseeable future, regardless of the existence or absence of any outside importation restrictions. Therefore, the Department preliminarily determines that dumping is not likely to recur if the order were revoked.

Magnitude of the Margin

Parties' Comments

In its substantive response, the USBSA argued that the dumping margin likely to prevail is at least as large as the margin that prevailed at the time of the original investigation. The highest dumping margin established in the original investigation was US$0.0237/lb.[17] Further, based on current U.S. and Canadian pricing, the USBSA estimated dumping margins ranging from 9.3 percent to 409.0 percent.

In its substantive response, Rogers argued that, given the price spread between the U.S. supply-managed sugar market and the Canadian market based on world pricing, the dumping margin likely to prevail if the order were to be revoked is zero. Rogers argued that, because of its limited access to the U.S. market, it is motivated to sell at U.S. refined sugar prices to maximize returns. Rogers provided a chart depicting sugar prices in the Canadian and U.S. markets and its price into the United States for the past eight years, as well as a calculation for producing processed beet sugar at its facility in Canada. The chart indicates that Rogers' price into the United States has been above its prices in Western Canada.

Department's Determination

Because we preliminarily determine that dumping is not likely to recur were the order revoked, there is no magnitude of the margin of dumping to report to the Commission.

Preliminary Results of Review

The Department preliminarily finds that revocation of the order is not likely to lead to continuation or recurrence of dumping. As a result of this determination, the Department, pursuant to section 751(d)(2) of the Act, preliminarily intends to revoke the antidumping duty order on sugar and syrups from Canada. Pursuant to section 751(c)(6)(A)(iv) of the Act, this revocation would be effective January 1, 2000. The Department preliminarily intends to instruct the U.S. Customs service to liquidate without regard to dumping duties entries of the subject merchandise entered or withdrawn from warehouse on or after January 1, 2000 (the effective date), and to discontinue collection of cash deposits on entries of subject merchandise as of the same date.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on June 15, 1999. Interested parties may submit case briefs no later than June 8, 1999, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than June 14, 1999, in accordance with 19 CFR 351.309(d). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than August 27, 1999.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: April 19, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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[16] With respect to the USBSA's constructed value calculations, the Department finds these calculations to be speculative. Specifically, the calculations used 1994/95 data on the average total cost of production together with 1998 data on the U.S. wholesale price of sugar, 1998 data on the cost of transportation and, for one of the two constructed value calculations, the 1998 tier 2 tariff rate. The use of 1994/1995 data in 1998 dumping margin calculations suggests that findings from such calculations would be highly speculative.

[17] *See Antidumping Duty Order; Sugar and Syrups from Canada,* 45 FR 24128 (April 9, 1980).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–408–046]

Preliminary Results of Full Sunset Review: Sugar From the European Community

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of full sunset review: Sugar from the European Community.

SUMMARY: On October 1, 1998, the Department of Commerce (''the Department'') initiated a sunset review of the countervailing duty order on sugar from the European Community (''the Community'') (63 FR 52683) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate filed on behalf of the domestic industry and adequate

substantive comments filed on behalf of the domestic industry and respondent interested parties, the Department is conducting a full review. As a result of this review, the Department preliminarily finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy and the nature of the subsidy are identified in the ''Preliminary Results of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution, Washington, DC 20230; telephone: (202) 482–6397 or (202) 482–1560, respectively.

EFFECTIVE DATE: April 26, 1999.

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*'') and in 19 C.F.R. part 351 (1998) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Scope

The merchandise subject to this countervailing duty order is sugar, with the exception of specialty sugars (e.g., cones, hats, pearls, loaves), from the European Community. Blends of sugar and dextrose, a corn-derived sweetener, containing at least 65 percent sugar are within the scope of this order. According to the final results of the Department's most recent administrative review, the merchandise subject to this order is currently classifiable under item numbers 1701.11.00, 1701.12.00, 1701.91.20, and 1701.99.00 of the Harmonized Tariff Schedule of the United States (''HTSUS'') (*see Sugar From the European Community; Final Results of Countervailing Duty Administrative Review,* 55 FR 35703 (August 31, 1990). In their substantive response, the Associations stated that the merchandise subject to the order is currently classifiable under item numbers 1701.11.0025, 1701.11.0045, and 1702.90.300 of the HTSUS. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description remains dispositive.

Background

On July 31, 1978, the Department of the Treasury (''Treasury'') issued its Final Countervailing Duty Determination, T.D. 78–53 (43 FR 33237). The Department has conducted several administrative reviews of this outstanding countervailing duty order.[1]

On October 1, 1998, the Department initiated a sunset review of the countervailing duty order on sugar from the European Community (63 FR 52683), pursuant to section 751(c) of the Act. The Department received a Notice of Intent to Participate from the United States Beet Sugar Association (''the USBSA'') and the United States Cane Sugar Refiners'' Association (''the USCSRA'') (collectively ''the Associations'') on October 16, 1998, within the deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations.* Both associations claimed interested party status under section 771(9)(E) of the Act, as trade associations, a majority of whose members produce sugar in the United States. We received complete substantive responses from the European Commission (''the Commission'') and from the Associations on October 30, and November 2, 1998, respectively, within the 30-day deadline specified in section 351.218(d)(3)(i) of the *Sunset Regulations.*

In its substantive response, the USBSA and its member organizations, and the USCSRA and its member organizations, stated that they are comprised of members that produce refined sugar from sugar beets and raw cane sugar, respectively, and, therefore, their member organizations constitute domestic interested parties under section 771(9)(C) of the Act. The Associations stated that, together, they represent nearly all of the refined sugar production in the United States. The Associations stated that the petitioner in the original countervailing duty investigation was the Florida Sugar Marketing and Terminal Association Incorporated (''FSMTAI''), that the USCSRA requested the 1988 administrative review conducted by the Department, that the Associations requested a scope clarification in 1987, and that one or both have objected to various notices of intent to revoke issued by the Department. We received letters from the American Sugarbeet Growers Association and the FSMTAI on November 3 and November 5, 1998, respectively. Each of these associations indicated agreement with the conclusion reached in the Substantive Response of the Associations and expressed support for the order's continuation.

In its substantive response, the Commission stated that it represents the European Union (''EU''), which comprises Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, and the United Kingdom. In addition, the Commission stated that it is willing to participate in the sunset review as the authority responsible for administrating the sugar export restitution scheme and that it has, in the past, submitted responses to the Department with regard to the countervailing duty order. The Commission qualifies as an interested party under section 771(9)(B) of the Act.

On November 9, 1998, we received rebuttal comments from the Associations. We did not receive rebuttal comments from the Commission.

On the basis of the complete substantive responses filed by domestic interested parties and the Commission, and in accordance with section 351.218(e)(2) of the *Sunset Regulations,* the Department is conducting a full sunset review.

The Department determined that the sunset review of the countervailing duty order on sugar from the European Community is extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.,* an order in effect on January 1, 1995). (*See* section 751(c)(6)(C) of the Act.) Therefore, on January 15, 1999, the Department extended the time limit for completion of the preliminary results of this review until not later than April 19,

[1] See *Sugar from the European Communities; Final Results of Administrative Review of Countervailing Duty Order,* 46 FR 46984 (September 23, 1981); *Sugar from the European Communities; Final Results of Administrative Review of Countervailing Duty Order,* 48 FR 35001 (August 2, 1983); *Sugar from the European Communities; Final Results of Administrative Review of Countervailing Duty Order,* 49 FR 45039 (November 14, 1984); and *Sugar From the European Community; Final Results of Countervailing Duty Administrative Review,* 55 FR 35703 (August 31, 1990).

1999, in accordance with section 751(c)(5)(B) of the Act.[2]

Determination

In accordance with section 751(c)(1) of the Act, the Department is conducting this review to determine whether revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. Section 752(b) of the Act provides that, in making this determination, the Department shall consider the net countervailable subsidy determined in the investigation and subsequent reviews, and whether any change in the program which gave rise to the net countervailable subsidy has occurred that is likely to affect that net countervailable subsidy. Pursuant to section 752(b)(3) of the Act, the Department shall provide to the International Trade Commission (''the ITC'') the net countervailable subsidy likely to prevail if the order is revoked. In addition, consistent with section 752(a)(6), the Department shall provide the ITC information concerning the nature of the subsidy and whether the subsidy is a subsidy described in Article 3 or Article 6.1 of the 1994 WTO Agreement on Subsidies and Countervailing Measures (''Subsidies Agreement'').

The Department's preliminary determinations concerning continuation or recurrence of a countervailable subsidy, the net countervailable subsidy likely to prevail if the order is revoked, and nature of the subsidy are discussed below. In addition, parties' comments with respect to each of these issues are addressed within the respective sections.

Continuation or Recurrence of a Countervailable Subsidy

Party Comments

In their substantive response, the Associations stated that the EU continues to make restitution payments to sugar exporters under the Common Agricultural Policy (''CAP''). The Associations argued that, although the CAP has been modified and reformed in minor respects since the original countervailing duty order was issued in 1978, it continues to provide a system of production quotas, guarantees, and export restitution payments like those addressed in the earlier countervailing duty determination.

The Associations stated that during the last twenty years, the CAP sugar regime has repeatedly been held to violate U.S. countervailing duty laws and GATT principles. In support of this statement, the Associations referred to several determinations, including the 1982 injury determination by the ITC,[3] a 1996 sunset review by the Canadian International Trade Tribunal,[4] and two GATT panel reports.[5]

Further, the Associations argued that the import performance following the publication of the order establishes the likelihood that countervailable subsidies on sugar from the EU will continue. The Associations explained that, immediately after the imposition of the order, imports of subject merchandise disappeared from the U.S. market, thereby demonstrating that sugar can be sold in the United States only with the aid and benefit of subsidies. Although acknowledging that access to the U.S. market for foreign-origin sugar has been limited by quota since 1982, the Associations argued that the downward trend in the world price of refined sugar will shortly make it feasible to ship refined sugar into the United States despite the operation of the tariff rate quota (''TRQ'') on sugar imports. Further, the Associations stated that the TRQ rate is scheduled to be reduced in 1998, 1999, and 2000, with the underpinning for current U.S. sugar policy due to expire at the end of 2002.

In its substantive response, the Commission stated that the system of granting sugar export refunds in the Community is still in force as part of the Community's CAP. The Commission argued that the system is WTO-compatible and that the export refund is determined in such a way as not to undermine the world market price of sugar. The Commission explained that the export refund bridges the gap between the world market price (as quoted in the future white sugar quotations in London or Paris) and the Community effective support price (composed of the intervention price plus the storage levy) plus a lump sum amount to cover the transport costs for bringing the sugar to the Community port. Further, the Commission argued that, if the countervailing duty order is revoked, the U.S. market would not be in any way ''targeted'' by the export refund program as export refunds are the same for all destinations outside the EU. Finally, the Commission argued that, in view of the existence of quotas on sugar imports into the United States, revocation of the order is unlikely to have any effect on the U.S. market as actual exports to the United States are minimal.

In their rebuttal comments, the Associations stated that the trend in the world price of sugar assures that the world price of sugar will be below the EU intervention prices for the foreseeable future. Additionally, the Associations argued that, contrary to the Commission's argument that the existence of the quota on sugar effectively prevents the recurrence of any countervailable subsidy, it is now economically feasible to ship sugar to the United States despite the quota. In conclusion, the Associations requested that, based on the information contained in their substantive response and the Commission's own admission that restitution payments will continue to be made on exports of the subject merchandise to compensate European producers for the difference between the world price of sugar and the EU intervention price, the Department find that, in the event of revocation, countervailable subsidies will continue or recur.

Department's Preliminary Determination

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (''URAA''), specifically the Statement of Administrative Action (''the SAA''), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rep. No. 103–826, pt.1 (1994), and the Senate Report, S. Rep. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for likelihood determinations. The Department

[2] *See Sugar From the European Community: Extension of Time Limit for Preliminary Results of Five-Year Review,* 64 FR 3683 (January 25, 1999).

[3] The ITC determined that revocation of the countervailing duty order will threaten material injury to the U.S. sugar industry based primarily on its assessment that the European Community (''EC'') will continue to subsidize exports. *See* Associations' Substantive Response, at 25 (November 2, 1998), referring to *Sugar from the European Communities,* ITC Investigation No. 104–TAA–7, 47 Fed. Reg. 23057 (1982).

[4] The EU's export restitution payments under the CAP were again determined to be countervailable subsidies. *See* Associations' Substantive Response, at 26 (November 2, 1998), referring to *The Dumping in Canada of Refined Sugar Originating in or Exported From the United States of America, Denmark, the Federal Republic of Germany, the Netherlands, the United Kingdom and the Republic of Korea, and the Subsidizing of Refined Sugar Originating in or Exported From the European Union,* Review No. RD–95–001, 1 T.T.R. (2d) 355 (July 26, 1996).

[5] The panels determined that the Community system [for granting refunds on exports of sugar] and its application constitutes a threat of serious prejudice in terms of Article XVI:I. *See* Associations' Substantive Response, at 25 (November 2, 1998), referring to *GATT Dispute Panel Report on Complaint By Brazil Concerning EC Refunds on Exports of Sugar,* L/5011–27S/69, at part V (adopted November 10, 1980) and *GATT Dispute Panel Report on Complaint By Australia Concerning EC Refunds on Exports of Sugar,* L/4833—26S/290, at part V (adopted November 6, 1979).

clarified that determinations of likelihood will be made on an order-wide basis (*see* section III.A.2 of the *Sunset Policy Bulletin*). Additionally, the Department normally will determine that revocation of a countervailing duty order is likely to lead to continuation or recurrence of a countervailable subsidy where (a) a subsidy program continues, (b) a subsidy program has been only temporarily suspended, or (c) a subsidy program has been only partially terminated (*see* section III.A.3.a of the *Sunset Policy Bulletin*). Exceptions to this policy are provided where a company has a long record of not using a program (*see* section III.A.3.b of the *Sunset Policy Bulletin*).

In its final determination, Treasury determined that the restitution payments made upon exportation to sugar growers and processors in the EC under the CAP constitute a bounty or grant, the net amount of which was determined to be 10.8 cents/pound of sugar (*see Final Countervailing Duty Determination,* 43 FR 33237 (July 31, 1978)). The Department has conducted several administrative reviews of this outstanding countervailing duty order and, in each review, determined a net subsidy rate from this program (*see* footnote 1).

Because the Commission specifically acknowledged that the export restitution program remains in place, and on the basis of the information presented by the parties, the Department preliminarily determines that the program continues to exist and, therefore, if the order were to be revoked, a countervailable subsidy would continue or recur.

Net Countervailable Subsidy

Party Comments

In their substantive response, the Associations argued that the countervailing duty rate likely to prevail if the order is revoked would be at least as large as that existing at the time of the original order, and would probably be significantly larger since the difference between the EU and world price has increased. The Associations argued that since the restitution payments are provided to compensate sugar producers for the difference between the higher EU price and the lower prevailing world market price, as the world market sugar price declines, there is a corresponding increase in the amount of the export subsidies payable to European sugar producers under the CAP. Specifically, the Associations stated that, if the order were to be revoked, the net countervailable subsidy that is likely to prevail, based on current subsidy levels and pricing, would be 27.97 cents per pound of sugar.[6]

In its substantive response, the Commission provided the average export refund per marketing year for the years 1995/96 through 1997/98. The average export refund for marketing years 1997/98 was reported as 44.01 ECU per 100 kg (which is 18.61 cents per pound). This is consistent with information provided by the Associations.[7]

In its substantive response, the Commission stated that the export refund bridges the gap between the world market price (as quoted in the future white sugar quotations in Paris or London) and the Community effective support price (composed of the intervention price plus a storage levy) plus a lump sum amount to cover the transport costs for bringing the sugar to a Community port. Further, although this calculation results in the maximum theoretical export refund that can be granted, the actual refund granted to exporters (normally fixed on a weekly basis) is always at a lower level. The Commission noted that not all sugar exported from the EU is entitled to an export refund; specifically, sugar produced in excess of production quotas is not entitled to export refunds. The Commission noted that if the world market price exceeds the internal EU price, no refunds are paid; on the contrary, an export levy is charged on all export shipments from the EU. The Commission concluded by stating that because the export refund covers the difference between the internal EU price and the world price for sugar, it is not feasible to establish the level of export restitution in advance.

Department's Preliminary Determination

Drawing on the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (''URAA''), specifically the Statement of Administrative Action (''the SAA''), H.R. Doc. No. 103–316, vol. 1 (1994), the House Report, H.R. Rept. No. 103–826, pt.1 (1994), and the Senate Report, S. Rept. No. 103–412 (1994), the Department issued its *Sunset Policy Bulletin* providing guidance on methodological and analytical issues, including the basis for determinations of the net countervailable subsidy. In the *Sunset Policy Bulletin,* the Department stated that, consistent with the SAA and House Report, ''the Department normally will select a rate 'from the investigation, because that is the only calculated rate that reflects the behavior of exporters and foreign governments without the discipline of an order or suspension agreement in place.' '' The Department noted that this rate may not be the most appropriate rate if, for example, the rate was derived from subsidy programs which were found in subsequent reviews to be terminated, if there has been a program-wide change, or if the rate ignores a program found to be countervailable in a subsequent administrative review. (*See* section III.B.3 of the *Sunset Policy Bulletin*).

In its final countervailing duty determination, Treasury determined that the net amount of the bounty or grant provided by this program was 10.8 cents/pound of sugar. This amount represented the average maximum restitution level set by the EC for sugar exports during the first half of 1978. Although noting that sugar exporters could, on particular shipments, receive less than the maximum restitution, the level of which was set at least every three weeks by the EC, Treasury determined that this figure represented an accurate approximation of the subsidy being paid on recent shipments to the United States (*see Final Countervailing Duty Determination,* 43 FR 33237 (July 31, 1978)).

As noted above, the Department has conducted several administrative reviews of this order (*see* footnote 1). In the first administrative review conducted by the Department, the Department noted that export restitution payments on sugar are adjusted constantly to reflect the movement in world market sugar prices (*see Sugar From the European Communities; Final Results of Administrative Review of Countervailing Duty Order,* 46 FR 46984 (September 23, 1981)). Since that time, the Department determined the level of subsidy on the basis of information obtained from various independent statistical gathering organizations as well as from the United States Department of Agriculture, the Federal Republic of Germany, and the Journals of the EC (*see* footnote 1). The Department never calculated an *ad valorem* subsidy rate. Rather, the

[6] The Associations cite an October 28, 1998, article from Bloomberg News, in which the EU's sugar management committee is reported as agreeing to pay traders an export subsidy of 513.00 European currency units per ton on 120,250 tons of sugar exported to non-EU markets. Using the Federal Reserve Bank of New York October 28, 1998, exchange rate of ECU 1 = $1.1918, the Associations calculated the subsidy to be $61.66 per 220.46 pounds or $0.2797 per pound. *See* Associations' Substantive Response, at 35 and Appendix 12 (November 2, 1998).

[7] In their substantive response, the Associations provided copies of The Czarnikow Sugar Review published September 9, 1998, which reported the ''weighted average of export refunds at the tenders was 44.012 ecu per 100 kg.'' *See* Substantive response at Appendix 6.

subsidy was always expressed in terms of cents per pound of sugar. We note that in the *Sunset Policy Bulletin* we clarified that, in a sunset review of a countervailing duty order where the original investigation was conducted by Treasury, the Department normally will provide to the Commission the net countervailable subsidy from the first final results of administrative review published in the **Federal Register** by the Department, where the net countervailable subsidy was first calculated on an *ad valorem* basis. (*See* section III.B.1 of the *Sunset Policy Bulletin*.) As discussed above, however, the Department has never calculated an *ad valorem* subsidy rate in this proceeding.

As discussed in the *Sunset Policy Bulletin,* the Department normally will report to the ITC an original subsidy rate as adjusted to take into account terminated programs, program-wide changes, programs found to be countervailable in subsequent reviews. Since the original investigation the export restitution program has not been terminated. Further, the changes in the world market and EU prices of sugar do not constitute a program-wide change. Finally, no other countervailable programs have been found in subsequent administrative reviews of the countervailing duty order. Therefore, consistent with the *Sunset Policy Bulletin,* we preliminarily determine that the 10.80 cents/pound rate from the investigation is the net countervailable subsidy likely to prevail if the order were revoked.

Nature of the Subsidy

In the *Sunset Policy Bulletin,* the Department stated that, consistent with section 752(a)(6) of the Act, the Department will provide information to the Commission concerning the nature of the subsidy and whether it is a subsidy described in Article 3 or Article 6.1 of the Subsidies Agreement. Neither party specifically addressed this issue, although the Commission did state that the system for granting sugar export refunds is WTO-compatible.

Although the export restitution payments on sugar fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement, Article 3.1 does not apply to products covered by the Agreement on Agriculture. Similarly, in accordance with Article 13(c) of the Agreement on Agriculture, export subsidies that conform fully to the provisions of Part V of the Agreement on Agriculture, are exempt from the provisions of Article 6 of the Subsidies Agreement. However, export subsidies, including the export restitution payments, are subject to countervailing duties, as provided in Article 13(c) of the Agreement on Agriculture.

Preliminary Results of Review

As a result of this review, the Department preliminarily finds that revocation of the countervailing duty order would be likely to lead to continuation or recurrence of a countervailable subsidy. The net countervailable subsidy likely to prevail if the order were revoked is 10.80 cents per pound. Although qualifying as a countervailable export subsidy, Article 3 of the Subsidies Agreement does not apply to the export restitution payments program under the EC's CAP.

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Any hearing, if requested, will be held on June 15, 1999. Interested parties may submit case briefs no later than June 8, 1999, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than June 14, 1999, in accordance with 19 CFR 351.309(d). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than August 27, 1999.

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: April 19, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–10288 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104, Washington, DC 20230. Business confidential information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 90–6A007''.

United States Surimi Commission's (''USSC'') original Certificate was issued on August 22, 1990 (55 FR 35445, August 30, 1990) and subsequently amended on December 12, 1990 (55 FR 53031, December 26, 1990); June 11, 1991 (56 FR 27946, June 18, 1991); May 22, 1992 (57 FR 23078, June 1, 1992); August 12, 1993 (58 FR 44504, August 23, 1993); and August 3, 1995 (60 FR 41879, August 14, 1995).

Summary of the Application

Applicant: United States Surimi Commission, C/o Mundt MacGregor LLP, 999 Third Avenue, Suite 4200, Seattle, Washington 98104–4082.

Contact: Paul MacGregor, Attorney at Law, Telephone: (206) 624–5950.

Application No.: 90–6A007.

Date Deemed Submitted: April 13, 1999.

Proposed Amendment: USSC seeks to amend its Certificate to add Tyson Seafood Group (a division of Tyson Foods, Inc.) of Kirkland, WA as a new ''Member'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)).

Dated: April 20, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99–10286 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990309066–9066–01; I.D. 030299A]

RIN 0648–ZA62

Financial Assistance for Research and Development Projects in the Northeastern Coastal States; Marine Fisheries Initiative (MARFIN)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Availability of Funds.

SUMMARY: NMFS announces that funding will be available to assist persons in carrying out research and development projects that optimize the management of fisheries in the Northeastern Coastal States, focusing on the New England region. Priority funding consideration in 1999 is given to research on stock identification and applied research to facilitate analyses of resource management strategies for finfish and shellfish being managed by fishery management plans in the Northeast Region. NMFS issues this notice describing the conditions under which applications will be accepted and selected for funding.

DATES: Applications for funding under this program will be accepted between April 26, 1999 and 5 p.m. eastern standard time on May 26, 1999. Applications received after that time will not be considered for funding. No facsimile applications will be accepted.

ADDRESSES: Send applications to: Harold C. Mears, Director, State, Federal & Constituent Programs Office, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Beal, 978-281-9267.

SUPPLEMENTARY INFORMATION:

I. Authority

The Secretary of Commerce (Secretary) is authorized under 15 U.S.C. 713c–3 to conduct any biological, technological, or other research pertaining to American fisheries and, under 16 U.S.C. 742f, to take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources.

II. Catalog of Federal Domestic Assistance

This program is described in the ''Catalog of Federal Domestic Assistance,'' under program number 11.433, Marine Fisheries Initiative.

III. Program Description

MARFIN financial assistance began in FY 1986 in the NMFS Southeast Region and was expanded to New England for the first time in FY 1998. MARFIN is a competitive Federal assistance program that promotes and endorses programs which seek to optimize benefits from U.S. marine fishery resources through cooperative research and development efforts. Projects to be funded under the Northeastern MARFIN Program are envisioned as multi-sector partnerships to complement the goals and objectives of the NOAA Fisheries Strategic Plan, a copy of which is available from the Northeast Regional Office (see **ADDRESSES**). The Plan's elements include shared stewardship responsibilities relating to sustainable fisheries, recovered protected species, and healthy living marine resource habitat.

The overall MARFIN program emphasizes projects that have the greatest probability of recovering, maintaining, improving, or developing fisheries; improving the understanding of factors affecting recruitment success; and/or generating increased values and opportunities for commercial and recreational marine fishery industries. During this second year of the Northeastern MARFIN Program, priority funding consideration will be given to projects involving new methods and/or technology to improve stock identification and the associated knowledge base upon which to develop management strategies for selected species of fish and shellfish currently under fishery management plans in the Northeast Region. Projects will be evaluated as to the likelihood of achieving these benefits through both short-term and long-term research efforts, with consideration of the magnitude of the eventual economic or social benefits that may be realized. However, short-term projects which emphasize immediate benefits will receive priority consideration.

IV. Funding Availability

This solicitation announces that funding of approximately $500,000 will be available in FY 1999. There is no guarantee that sufficient funds will be available to make awards for all approved projects. Publication of this notice does not obligate NMFS to award any specific project or to obligate all or any parts of the available funds.

V. Matching Requirements

Cost-sharing is not required for the MARFIN program. If an applicant chooses to share costs, and if that application is selected for funding, the applicant will be bound by the percentage of the cost share reflected in the award document signed by the Grants Officer.

VI. Type of Funding Instrument

The cooperative agreement has been determined to be the preferred and most appropriate funding instrument, dependent upon the nature and scope of the submitted project(s). NMFS is substantially involved in developing program research priorities, conducting cooperative activities with recipients, and evaluating the performance of recipients for effectiveness in meeting national and regional goals for fishery research in the northeastern United States.

VII. Eligibility Criteria

A. Applications for MARFIN projects may be made in accordance with the procedures set forth in this document by:

1. Any individual who is a citizen or national of the United States.

2. Any individual who is a citizen of the Northern Mariana Islands, being an individual who qualifies as such under Section 8 of the Schedule on Transitional Matters attached to their constitution.

3. Any individual who is a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia.

4. States or local governments, universities, corporations, partnerships, or other entities, non-profit or otherwise, if such an entity is a citizen

of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 app. U.S.C. 802).

B. Federal agencies, Federal instrumentalities, Federal employees, including NOAA employees (full-time, part-time, and intermittent personnel or their immediate families), and NOAA offices or centers are not eligible to submit an application under this solicitation, or aid in the preparation of an application during the 30-day solicitation period, except to provide information about the MARFIN program and the priorities and procedures included in this solicitation. However, NOAA employees are permitted to provide information about ongoing and planned NOAA programs and activities that may have implications for an application. Potential applicants are encouraged to contact Harold C. Mears at the NMFS Northeast Regional Office (see **ADDRESSES**) for information on NOAA grant programs.

VIII. Award Period

Generally, the awards will be for a period of 1 year, but no more than 18 months at a time. If an application is selected for funding, NMFS has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Any subsequent proposal to continue work on an existing project must be submitted to the competitive process for consideration and will not receive preferential treatment. Renewal of an award to increase funding or to extend the period of performance is at the total discretion of the Department of Commerce (DOC).

IX. Indirect Costs

The budget may include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal government. The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award. However, the Federal share of the indirect costs may not exceed 25 percent of the total proposed direct costs. Applicants with indirect cost rates above 25 percent may use the amount above the 25–percent level as part of the non-Federal share. Information must be included with the application of the current, approved, negotiated Indirect Cost Agreement with the Federal Government by indicating a web site address or by providing a current copy, if no web site is available.

X. Application Forms and Kit

Before submitting an application under this program, applicants should contact the NMFS Northeast Regional Office for a copy of this solicitation's MARFIN Application Package (see **ADDRESSES**).

Applications for project funding under this program must be complete and in accordance with instructions in the MARFIN Application Package. Each application must include all specified sections as listed in the Application Package, including, but not limited to the following: Cover sheet (SF 424), Budget (SF 424A), and Narrative Project Description (Goals & Objectives; Impacts; Evaluation; Need for Governmental Assistance; Participation by Persons Other Than the Applicant; Federal, State and Local Government Activities and Permits; Project Statement of Work; and Project Management). Project applications must identify the principal participants and include copies of any agreements describing the specific tasks to be performed by all participants. Applications should give a clear presentation of the proposed work, the methods for carrying out the project, its relevance to managing and enhancing the use of fishery resources in the New England Coastal States, and cost estimates as they relate to specific aspects of the project. Budgets must include a detailed breakdown by category of expenditures with appropriate justification for both the Federal and non-Federal shares. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application. Applications are not to be bound in any manner and must be printed on one side, only. All incomplete applications will be returned to the applicant. Three copies (one signed original and two signed copies) of each application are required and must be submitted to the NMFS Northeast Regional Office, State, Federal & Constituent Programs Office (see **ADDRESSES**). You may opt to submit additional copies (ten are needed for reviewing purposes). This is especially helpful if your proposal contains color or hard-to-duplicate material.

XI. Project Funding Priorities

Proposals should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multi-disciplinary. Coordinated efforts involving multiple institutions or persons are encouraged. The area of emphasis for FY 1999 is new methods and/or techniques to improve the ability of scientists to identify the stock structure of selected species of fish and shellfish to improve fisheries management. In addition to referencing specific area(s) of special interest, proposals should state whether the research will apply to the New England coastal states only, or to other areas as well.

Successful applicants may be required to collect and manage the data in accordance with standardized procedures and formats approved by NMFS and to participate with NMFS in specific cooperative activities which will be determined by consultations between NMFS and successful applicants before project grants are awarded. Research methods may involve some of the following techniques, although new approaches to improve stock identification methodology will be welcomed.

A. Genetic techniques:

1. Allozyme analyses

2. Mitochondrial DNA (mtDNA) analyses

a. Mitochondrial DNA restriction fragment length polymorphism (mtDNA RFLP)

b. mtDNA d-loop

c. Amplified fragment length polymorphism (AFLP)

d. Microsatellite DNA markers

e. Cytogenetics

B. Microconstituent analysis (MCA)

1. Laser ablation

2. Reference material (RM)

3. Isotope dilution

4. Preconcentration techniques

C. Fatty acid profiles

D. Neural nets as a classification tool

E. Image processing tools

The following species have been identified for stock identification purposes, and a synopsis of the most important research issue is listed for each species:

Silver hake, *Merluccius bilinearis*: How much mixing occurs on and around Georges Bank? Are there distinct spawning stocks? Where does reproduction take place?

Atlantic herring, *Clupea harengus*: Are there separate spawning stocks in the Gulf of Maine and Georges Bank? Are larval distribution and larval growth patterns different?

Yellowtail flounder, *Limanda ferruginea*: How discrete are the mid-Atlantic and southern New England stocks? How much mixing exists among stocks, for both larvae and adults?

Cod, *Gadus morhua*: How much migration and mixing occurs between Georges Bank, Gulf of Maine, Browns Bank and Scotian Shelf stocks? Are there resident fish which do not migrate in the Gulf of Maine?

Haddock, *Melanogrammus aeglefinus*: Are there separate stocks on Georges Bank (east vs. west)?

Striped bass, *Morone saxatilis*: How much do individual stocks (e.g. Roanoke) contribute to coastal fisheries? What are emigration patterns from spawning/nursery areas? Do large females return to their natal rivers to spawn annually?

Sea scallop, *Placopecten magellanicus*: Are Mid-Atlantic and Georges Bank stocks separate? Are closed areas a source of larvae to other areas?

Goosefish (monkfish), *Lophius americanus*: Is the population composed of one or two stocks?

Northern shortfin squid, *Illex illecebrosus*: Where is the spawning migration route from the north to Florida? Is this species hybridizing with congeners south of New Jersey?

Ocean quahog, *Arctica islandica*: Is the population off the coast of Maine genetically distinct from populations to the south? Is the Maine population a source of larvae to southern areas? Is the Georges Bank population a source of larvae to the Mid-Atlantic?

Atlantic surfclam, *Spisula solidissima*: What is the southern boundary of this species in relation to the northern boundary of *Spisula solidissima similis* and *Spisula raveneli*?

American lobster, *Homarus americanus*: Where are migrations to/from with respect to management areas, and are these areas defined properly? What are the inshore/offshore linkages between larvae and adults?

American shad, *Alosa sapidissima*: Stocks have been transported and introduced to different rivers. What is the present population structure across the Northeast Region?

Blueback herring, *Alosa aestivalis*: How much gene flow exists between rivers, with respect to distance? How much genetic variation exists in reestablished populations?

Alewife, *Alosa pseudoharengus*: How much gene flow exists between rivers, with respect to distance? How much genetic variation exists in reestablished populations?

XII. Evaluation Criteria

Cooperatively developed applications that propose activities of two or more qualified applicants to address important fishery conservation and management issues or problems identified in the Project Funding Priorities for this solicitation may be evaluated as a group by NMFS. If selected for funding, individual cooperative awards may be made to each individual applicant. Application procedures for this type of proposal are also included in the FY 1999 MARFIN Application Package.

A. Unless otherwise specified by statute, in reviewing applications for cooperative agreements, including those that include consultants and contracts, NOAA will make a determination regarding the following:

1. Is the involvement of the applicant necessary to the conduct of the project and the accomplishment of its goals and objectives?

2. Is the proposed allocation of the applicant's time reasonable and commensurate with the applicant's involvement in the project?

3. Are the proposed costs for the applicant's involvement in the project reasonable and commensurate with the benefits to be derived from the applicant's participation?

B. Applications meeting the above requirements will be forwarded for technical evaluation. Applicants submitting applications not meeting the above requirements will be notified. Evaluations may involve experts from NOAA organizations as well as from non-NOAA entities (such as universities, state fishery agencies, and members of the fishing industry). All reviewers will be required to sign non-disclosure and conflict of interest statements concerning the application they are reviewing. The reviewers will assign scores to applications based on the following evaluation criteria:

1. Does the proposal have a clearly stated goal(s) with associated objectives that meet the needs outlined in the Narrative Project Description? (30 points)

2. Does the proposal clearly identify and describe, in the Project Outline and Statement of Work, scientifically valid methodologies and analytical procedures that will adequately address project goals and objectives? (30 points)

3. How and to what degree would attainment of the project objectives contribute to enhancement of the knowledge base for fishery management? (20 points)

4. Are the proposed costs appropriate for the scope of work proposed? (10 points)

5. Do the principal investigators provide a scientifically realistic timetable to enable full accomplishment of all aspects of the Statements of Work? (10 points)

XIII. Selection Procedures

All applications will be considered by a NMFS Science Group composed of 3 or more NMFS employees, and ranked into two categories: ''Recommended,'' and ''Not Recommended.'' This group will consider the proposals based on technical review comments, technical review scores, and the project funding priorities (Section XI), using each member's expertise in the problem areas. This group will rank proposals on a consensus basis. Proposals ranked as ''Not Recommended'' will not be given further consideration for selection and funding, and will be returned to the respective applicants. Proposals ranked as ''Recommended'' will be presented to a Constituent Panel of non-NOAA fishery experts who will individually consider the problem addressed in each project proposal, the technical evaluation, the need for funding, funds available, and the priority areas for research listed in Section XI.(Project Funding Priorities). These Constituent Panel members will provide individual recommendations to NMFS on each proposal classified as ''Recommended.'' No consensus advice will be given by the panel. The individual comments, recommendations and evaluations of the non-NOAA Constituent Panel members, and recommendations of the NMFS Science Group, will be presented to the Northeast Region, NMFS' Regional Administrator. The Regional Administrator, in consultation with the Assistant Administrator for Fisheries, will (a) Determine which projects do not substantially duplicate other projects which are currently being funded by NOAA or are approved for funding by other Federal offices, (b) select the projects to be funded, (c) determine the amount of funds available for each project, and (d) determine which components of the selected projects shall be funded. The exact amount of funds awarded, the final scope of activities, the project duration, and specific NMFS cooperative involvement with the activities of each project will be determined in pre-award negotiations among the applicant, the NOAA Grants Office, and the NMFS Program Staff. Projects must not be initiated by recipients until a signed financial assistance award is received from the NOAA Grants Office. Successful applicants will be generally recommended within 210 days from the date of publication of this document. The earliest start date of awards will be approximately 90 days after each project is selected and after all NMFS/applicant negotiations of cooperative activities have been completed (the earliest start date of awards will be approximately 300 days after the date of publication of this document). Applicants should consider this selection and processing time in developing requested start dates for their applications.

XIV. Other Requirements

A. *Federal policies and procedures.* Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards. Women and minority individuals and groups are encouraged to submit applications under this program.

B. *Past performance.* Any first-time applicant for Federal grant funds under this announcement is subject to a pre-award accounting survey prior to execution of the award. Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

C. *Pre-award activities.* If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of DOC to cover pre-award costs.

D. *No obligation of future funding.* If an application is selected for funding, DOC has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

E. *Delinquent Federal debts.* No award of Federal funds shall be made to an applicant or to its subrecipients who have any outstanding delinquent Federal debt or fine until either:

1. The delinquent account is paid in full;

2. A negotiated repayment schedule is established and at least one payment is received; or

3. Other arrangements satisfactory to DOC are made.

F. *Name check review.* All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing, such criminal charges as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management, honesty, or financial integrity. Potential non-profit and for-profit recipients may also be subject to reviews of Dun and Bradstreet data or other similar credit checks.

G. *Primary applicant certifications.* All primary applicants must submit a completed Form CD 511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

1. *Nonprocurement debarment and suspension.* Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form prescribed earlier applies;

2. *Drug-free workplace.* Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, ''Government-wide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form prescribed earlier applies; also please enter the Principal Place of Performance, i.e. where the work will be done, on the form.

3. *Anti-lobbying.* Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, contracts for more than $100,000, loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

4. *Anti-lobbying disclosures.* Any applicant who has paid or will pay for lobbying using any funds must submit a Form SF-LLL, ''Disclosure Form to Report Lobbying,'' as required under 15 CFR part 28, appendix B.

H. *Lower tier certifications.* Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD 512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF-LLL, ''Disclosure of Lobbying Activities.'' Form CD 512 is intended for the use of recipients and should not be transmitted to DOC. A form SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

I. *False statements.* A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

J. *Intergovernmental review.* Applications under this program are subject to the provisions of E.O. 12372, ''Intergovernmental Review of Federal Programs.''

K. *American-made equipment and products.* Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program.

Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or by any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

Cooperative agreements awarded pursuant to pertinent statutes shall be in accordance with the Fisheries Research Plan (comprehensive program of fisheries research) in effect on the date of the award.

Federal participation under the MARFIN Program may include the assignment of DOC scientific personnel and equipment. Reasonable, negotiated financial compensation will be provided under awards for the work of eligible grantee workers.

This notice contains information-collection requirements which are subject to the Paperwork Reduction Act and which have been approved by the Office of Management and Budget under OMB control numbers –0043 and –0046. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Dated: April 20, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–10407 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041999A]

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

DATES: The meetings will be held from May l0 through May l3, l999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: These meetings will be held at the Omni Austin Hotel, 700 San Jacinto, Austin, Texas; telephone: 512–476–3700.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION: The public meetings will be held on:

Monday, May 10, 1999

12:00 noon - 1:30 p.m.—Convene the Shrimp Management Committee to review a draft amendment options paper addressing reduction of shrimp trawl bycatch in the eastern Gulf of Mexico. The options paper will be revised into a draft amendment at a subsequent Council meeting and be presented at public hearings in the late summer or fall.

1:30 p.m. - 3:00 p.m.—Convene the Joint Shrimp/Reef Fish Management Committees to hear a presentation by NMFS scientists on the results of their study on the effectiveness of bycatch reduction devices (BRDs) in reducing the bycatch of juvenile red snapper in shrimp trawls.

3:00 p.m. - 5:30 p.m.—Convene the Reef Fish Management Committee to approve Draft Reef Fish Amendment 17 for public hearings that will be held in June. The amendment proposes to extend the moratorium on issuance of commercial reef fish vessel permits. The committee will hear and may act on a report on the recommendations of the red snapper recreational workshop participants on actions that could be taken to extend the recreational red snapper season. The committee will also hear and may act on a NMFS report on the status of approval of the Council's regulatory amendment to set red snapper total allowable catch (TAC) for 1999.

Tuesday, May 11, 1999

8:00 a.m. - 12:00 noon—Convene the Mackerel Management Committee to review stock assessment and socioeconomic information and to develop their TAC recommendations to the Council, which can include bag limits, size limits, trip limits, and seasons. The committee will also approve Draft Mackerel Amendment 12 for public hearings to be held in June. The amendment proposes to extend the moratorium on issuance of commercial king mackerel vessel permits.

1:00 p.m. - 3:00 p.m.—Convene the Marine Reserves Committee to review a draft scoping document that will be presented at workshops in the fall.

3:00 p.m. - 5:30 p.m.—Convene the Administrative Policy Committee to consider amendments to the Magnuson-Stevens Act.

Wednesday, May 12, 1999

Council

8:30 a.m.—Convene.

8:45 a.m. - 9:00 a.m.—Receive a report on completion of the Federal Billfish Amendment and Highly Migratory Species Fishery Management Plan.

9:00 a.m. - 12:00 noon—Receive public testimony on the total allowable catch (TAC) for mackerels and coastal pelagics.

1:30 p.m. - 4:00 p.m—Receive the Mackerel Management Committee Report.

4:00 p.m. - 5:00 p.m.—Receive the Shrimp Management Committee Report.

Thursday, May 13, 1999

8:30 a.m. - 9:00 a.m.—Receive the Reef Fish Management Committee Report.

9:00 a.m. - 9:45 a.m.—Receive the Administrative Policy Committee Report.

9:45 a.m. - 10:15 a.m.—Receive the Marine Reserves Committee Report.

10:15 a.m. - 10:45 a.m.—Receive the Joint Shrimp/Reef Fish Committee Report.

10:45 a.m. - 11:00 a.m.—Receive the International Commission for the Conservation of Atlantic Tunas Advisory Committee (ICCAT) meeting report.

11:00 a.m. - 11:15 a.m.—Receive the South Atlantic Fishery Management Council Liaison Report.

11:15 a.m. - 11:30 a.m.—Receive Enforcement Reports.

11:30 a.m. - 11:45 a.m.—Receive Director's Reports.

11:45 a.m.- 12:00 noon—Other Business.

The General Accounting Office (GAO) is currently reviewing implementation of the Magnuson-Stevens Fishery Conservation and Management Act. As part of this effort, two GAO staff will be attending the Council meeting the week of May 10th and will be available to talk to anyone who wishes to provide information or examples on the subjects detailed here.

Magnuson-Stevens Fishery Conservation and Management Act

Senate Report 105–235 mandates that GAO review National Marine Fisheries Service compliance with the national standards to base conservation and management measures on the best scientific information available and that such measures take into account the importance of fishery resources to fishing communities. The report also mandates that GAO review NMFS' implementation of the essential fish habitat provisions. GAO is interested in interviewing anyone who wishes to provide information or examples with respect to these three areas.

Although other issues not contained in this agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by May 3, 1999.

Dated: April 19, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–10294 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041999B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for a scientific research permit (1215); receipt of applications to modify permits (1102, 1136, 1140); issuance of modifications to existing permits (1058, 1174).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened

species for the purposes of scientific research and/or enhancement:

NMFS has received a permit application from the Washington Department of Natural Resources in Olympia, WA (WDNR); NMFS has received applications for modifications to existing permits from: Washington Department of Fish and Wildlife at Vancouver, WA (WDFW) (1102), Oregon Cooperative Fishery and Wildlife Research Unit at Corvallis, OR (OCFWRU) (1136), and Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC) (1140); NMFS has issued a permit to Mr. Harold Brundage III, of Environmental Research and Consulting, Inc. (ERCI) (1174); and NMFS has issued modifications to a scientific research permit to the U.S. Fish and Wildlife Service at Ahsahka, ID (USFWS) (1058).

DATES: Written comments or requests for a public hearing on any of the new applications or modification requests must be received on or before May 26, 1999.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permits 1058, 1102, 1136, 1140, 1215: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

For permit 1174: Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (301–713–1401).

All documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

FOR FURTHER INFORMATION CONTACT:

For permits 1058, 1102, 1136: Leslie Schaeffer, Portland, OR (503–230–5433).

For permits 1140, 1215: Tom Lichatowich, Portland, OR (503–230–5438).

For permit 1174: Terri Jordan, Silver Spring, MD (301–713–1401).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–227).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Snake River (SnR) fall, SnR spring/summer, Upper Columbia River (UCR) spring.

Coho salmon (*Oncorhynchus kisutch*): Oregon Coastal (OC), Southern Oregon/northern California coast (SONCC).

Sockeye salmon (*Oncorhynchus nerka*): SnR.

Steelhead trout (*Oncorhynchus mykiss*): UCR.

Shortnose sturgeon (*Acipenser brevirostrum*).

To date, protective regulations for threatened OC coho salmon under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of an application requesting a take of this species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of threatened OC coho salmon. The initiation of a 30-day public comment period on the application, including its proposed take of threatened OC coho salmon, does not presuppose the contents of the eventual protective regulations.

New Applications Received

WDNR (1215) requests a 5-year permit for takes of juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with salmonid presence/absence surveys in proposed timber sale areas. The proposed stream surveys will determine the correct stream classification and place the stream in the correct Riparian Management Zones (RMZ). The correct RMZ designation will protect listed fish by requiring proper riparian buffers be left along streams. ESA-listed juvenile fish are proposed to be captured using electrofishing, netted, quickly identified without being removed from the water, and immediately released to calm water to recover. Indirect mortalities of ESA-listed juvenile fish associated with the research are also requested.

Modification Requests Received

WDFW requests a modification to scientific research permit 1102. Permit 1102 authorizes WDFW annual direct takes of adult, endangered, UCR steelhead; adult, threatened, SnR spring/summer chinook salmon; and adult, threatened, SnR fall chinook salmon associated with studies designed to determine the stock composition of steelhead passing Bonneville Dam on the Columbia River and the stock composition of salmon and steelhead harvested in Columbia River fisheries. For the modification, WDFW requests an increase in the annual take of adult, threatened, SnR spring/summer chinook salmon associated with the handling of ESA-listed adult fish at Bonneville Dam. The increased annual take is requested because more adult spring chinook salmon are expected to pass Bonneville Dam in 1999 and future years. WDFW also requests an annual take of adult, endangered, UCR spring chinook salmon associated with the research. ESA-listed adult fish are proposed to be captured, anesthetized, measured and sampled for tissues and scales, allowed to recover from the anesthetic, and released. The modification is requested to be valid for the duration of the permit, which expires on January 31, 2003.

OCFWRU requests a modification to scientific research permit 1136. Permit 1136 authorizes OCFWRU annual direct takes of juvenile, endangered, SnR sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon; juvenile, threatened, SnR fall chinook salmon; and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with research designed to compare biological and physiological indices of wild and hatchery fish exposed to stress from bypass, collection, and transportation activities at dams on the Snake and Columbia Rivers in the Pacific Northwest. For the modification, OCFWRU requests annual takes of juvenile, endangered, naturally produced and artificially propagated, UCR spring chinook salmon associated with the research. OCFWRU also requests that ESA-listed juvenile fish be captured at two additional locations: Little Goose Dam on the Snake River and John Day Dam on the Columbia

River. ESA-listed juvenile fish are proposed to be captured or acquired from Smolt Monitoring Program personnel, anesthetized, examined, allowed to recover from the anesthetic, and released. ESA-listed juvenile fish indirect mortalities are also requested. The modification is requested to be valid for the duration of the permit, which expires on December 31, 2000.

NWFSC requests a modification to permit 1140. Permit 1140 authorizes annual direct takes of juvenile, endangered, SnR fall chinook salmon and juvenile, threatened, SONCC coho salmon associated with a research study designed to assess the relationship between environmental variables, selected anthropogenic stresses, and bacterial and parasitic pathogens on disease-induced mortality of juvenile salmon in selected coastal estuaries in Oregon and Washington. Annual incidental takes of ESA-listed anadromous fish are also authorized by the permit. The results of the study will benefit ESA-listed species by providing a better understanding of how environmental factors influence disease. For the modification, NWFSC requests an annual direct take of juvenile, threatened, OC coho salmon. NWFSC proposes to collect ESA-listed juvenile coho salmon with seines, purse seines, and/or fyke nets in Salmon River and Tillamook, Yaquina, Alsea and Coos Bays. ESA-listed juvenile coho salmon are proposed to be lethally taken and analyzed for pathogen prevalence and intensity, chemical analyses, histopathology and stomach contents. NWFSC also requests an annual incidental take and incidental mortalities of juvenile, endangered, UCR spring chinook salmon. The modification is requested to be valid for the duration of the permit, which expires on December 31, 2002.

Permits and Modifications Issued

Notices were published on September 25, 1998 (63 FR 5134), and February 2, 1999 (64 FR 5030), that the USFWS had applied for modifications to scientific research permit 1058. Modification 1 to permit 1058 was issued on April 19, 1999, authorizing an increase in the annual take of adult, threatened, SnR fall chinook salmon associated with an effort to collect biological information from returning adults at Lower Granite Dam on the Snake River in Washington. Data from the larger sample will be used to estimate age composition of the run to provide better information for regulating Columbia River harvest. FWS is also authorized annual takes of juvenile, threatened, SnR fall chinook salmon associated with a new study designed to examine hatchery steelhead residualism in the Clearwater River Basin of ID. The purpose of the research is to gain a better understanding of factors leading to residualism and interactions between residuals and wild or natural stocks of fish. Modification 1 is valid for the duration of the permit, which expires on December 31, 2001.

On April 15, 1999, NMFS issued modification 2 to scientific research permit 1174 to ERCI. Permit 1174 authorizes sampling for and collection of shortnose sturgeon in the Delaware River and Estuary system and in the lower Susquehanna River/Chesapeake Bay Complex. This sampling program is under contract to the NMFS Northeast Region, Protected Resources Division. The objectives of the study are to collect data on current distribution, abundance, length structure and movements of shortnose sturgeon in the Delaware River Estuary and in the lower Susquehanna River and Chesapeake Bay. Modification 2 increases the authorized annual incidental take of shortnose sturgeon in the Delaware River Estuary and in the lower Susquehanna River and Chesapeake Bay, due to evidence that the population of shortnose sturgeon in the Delaware River may be substantially higher than previously thought. This modification follows modification 1, which increased the authorized annual non-lethal take of shortnose sturgeon in the Delaware River. Modification 2 is valid for the duration of the permit, which expires on August 31, 2003.

Dated: April 20, 19999.

Kevin Collins,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–10406 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 033099A]

Marine Mammals; Permit No. 917 (P774#2)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Scientific research permit amendment.

SUMMARY: Notice is hereby given that a request for amendment of scientific research permit no. 917 submitted by The Northeast Fisheries Science Center, National Marine Fisheries Service**,** 166 Water Street, Woods Hole, MA 02543–1097, has been granted.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298 (508/281–9250); and

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5312).

SUPPLEMENTARY INFORMATION: On February 9, 1999, notice was published in the **Federal Register** (64 FR 6326) that an amendment of permit no. 917, issued May 12, 1994 (59 FR 25892), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq*.), the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq*.), and the provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

Issuance of this amendment, as required by the ESA was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 16, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–10293 Filed 4–23–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99–07]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99–07, with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: April 20, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–01–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

12 APR 1999
In reply refer to:
I-99/02104

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99-07, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services estimated to cost $500 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 99-07

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Australia**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 215 million
Other	$ 285 million
TOTAL	$ 500 million

(iii) **Description of Articles or Services Offered:**
Eleven excess F-111 aircraft, 130 F-111 TF-30 excess engines, ALR-621 Radar Warning Receiver systems, aircraft storage, the repair, maintenance and testing of aircraft and engines for a one time flight in-country, cartridge/propellant actuated devices, support equipment, publications and technical data, spare and repair parts and other elements of logistics to ensure program supportability.

(iv) **Military Department: Air Force (QBD, Amendment 1 and QBF)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.**

(vii) **Date Report Delivered to Congress: 12 APR 1999**

*** as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Australia - F-111 Aircraft

The Government of Australia has requested a possible sale of 11 excess F-111 aircraft, 130 F-111 TF-30 excess engines, ALR-62I Radar Warning Receiver systems, aircraft storage, the repair, maintenance and testing of aircraft and engines for a one time flight in-country, cartridge/propellant actuated devices, support equipment, publications and technical data, spare and repair parts and other elements of logistics to ensure program supportability. The estimated cost is $500 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Australia while enhancing weapon system standardization and interoperability.

The proposed sale will provide Australia the ability to safely and economically maintain and operate their F-111s. Australia, which already has F-111 aircraft in its inventory, will have no difficulty absorbing these aircraft.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

A prime contractor will not be required for the proposed sale. There are no offset agreements proposed to be entered into in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 99-07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The F-111 weapon system is unclassified except as stated below. It does, however, contain sensitive, state-of-the-art technology. Sensitive elements of the F-111 include the AN/APQ-169 attack radar, the AN/APQ-171 terrain-following radar, the AN/APN-236 Doppler radar, the AN/ALR-62 radar warning receiver, the AN/ALE-40 and AN/ALE-28 countermeasures dispenser sets, the AN/ARC-164 ultra-high frequency (UHF) Have Quick radio, the AN/AYK-18 mission computer, and the TF-30P-100 series engines.

2. Classified elements up to Secret of the F-111 include the stored software for the AN/ALR-62 radar warning receiver, the stored software for the AN/AYK-18 mission computer, the crypto communication codes for the AN/ARC-164 UHF Have Quick radio, and operating manuals and maintenance technical orders containing performance information, operating and test procedures, weapons delivery information, and other data related to support operation and repair. The software and data identified are classified to protect vulnerabilities, design, performance parameters, and munitions-related data.

3 If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 99–10300 Filed 4–23–99; 8:45 am]
BILLING CODE 5001–01–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99–13]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 26(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99–13, with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: April 20, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

12 APR 1999
In reply refer to:
I-99/03653

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99-13, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $1.2 billion. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 99-13

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser:** Egypt

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 700 million
Other	$ 500 million
TOTAL	$1,200 million

(iii) **Description of Articles or Services Offered:** Twenty-four F-16C/D Block 40 aircraft; 28 F110-GE-100B engines; 24 AN/APG-68 radar; Block 40 upgrade configuration to include integration capability to employ the HARPOON, Heads Up Display, Multiple Boresight Indicator, Egyptian Identification Friend or Foe, and Tactical Airborne Reconnaissance System. Associated support equipment, software development/integration, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided.

(iv) **Military Department:** Air Force (STR)

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** None

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached.

(vii) **Date Report Delivered to Congress:** 12 APR 1999

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt - F-16C/D Aircraft

The Government of Egypt has requested a possible sale of 24 F-16C/D Block 40 aircraft; 28 F110-GE-100B engines; 24 AN/APG-68 radar; Block 40 upgrade configuration to include integration capability to employ the HARPOON, Heads Up Display, Multiple Boresight Indicator, Egyptian Identification Friend or Foe, and Tactical Airborne Reconnaissance System. Associated support equipment, software development/integration, spares and repair parts, flight test instrumentation, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related requirements to ensure full program supportability will also be provided. The estimated cost is $1.2 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

Egypt needs these aircraft to augment their present operational inventory and to enhance their air-to-air and air-to-ground self-defense capability. The addition of these F-16 aircraft will allow the Egyptian Air Force to maintain a strong defense while it continues its plans to reduce its inventory of aging Eastern bloc aircraft. Egypt, which already has F-16 aircraft in its inventory, will have no difficulty absorbing these additional aircraft.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Lockheed Martin Corporation, Fort Worth, Texas. There are no offset agreements proposed to be entered into in connection with this potential sale.

Implementation of this proposed sale will require the assignment of one Weapons System Liaison Officer for two years and 13 Extended Training Service Specialists up to five years in-country. Five U.S. contractor representatives will be required in Egypt to conduct Contractor Engineering Technical Services for a three-year period after aircraft delivery.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 99-13

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The F-16C/D Block 40 weapon system is unclassified, except as noted below. It contains current technology representing the General Electric F-110-GE-100B engine, AN/APG-68 radar, AN/ALR-56AA Radar Warning Receiver, ALE-47 chaff/flare dispenser, fly-by-wire flight control system, the diagnostics in Avionics Intermediate Shops, and the ARC-164 radio. All critical avionics on the F-16C/D will be sold on an end-item only basis via FMS, as well as computer software. Based on the policy to sell critical F-16C/D avionics and computer software on an end-item basis, this sale will not result in the transfer of any U.S. developmental technology or critical manufacture/process technology to Egypt's suppliers or other parties.

2. Sensitive and/or classified (up to Secret) elements of the F-16C/D Block 40 aircraft include hardware, accessories, components, and associated software for the following:

- **AN/APG-68 Radar (FMS Version)**
- **AN/ALR-56AA Radar Warning Receiver**
- **AN/ARC-164 UHF Radio**
- **ALE-47 Chaff/Flare Dispenser**
- **Operational Flight Program of the Fire Control Computer**

3. If a technologically advanced adversary were to obtain knowledge of the above systems, such knowledge could be used in an attempt to develop component countermeasures or systems with similar or advanced capabilities.

4. A determination has been made that Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 99–10301 Filed 4–23–99; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, May 25, 1999.

ADDRESS: The meeting will be held at the Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Timothy Doyle, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director, Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director, Defense Advance Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. § 10(d)(1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: April 20, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–10296 Filed 4–23–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, May 27, 1999.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d)(1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: April 20, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–10297 Filed 4–23–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed season meeting.

DATES: The meeting will be held at 0900, Tuesday, June 15, 1999.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: April 20, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–10298 Filed 4–23–99; 8:45 am]

BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Advisory Group on Electron Devices, Department of Defense.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, May 26, 1999.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: April 20, 1999.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–10299 Filed 4–23–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF ENERGY

[Docket No. EA–208]

Application To Export Electric Energy; Williams Energy Marketing and Trading Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Williams Energy Marketing and Trading Company (Williams) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 11, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On April 5, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from Williams to transmit electric energy from the United States to Mexico. Williams is a full-service energy marketing, trading, and price-risk management company. Williams does not own, control, or operate any facilities for the transmission or distribution of electric power, nor does it have a franchised service area. Although Williams is affiliated with entities which own two electric power generating facilities, the electric power to be exported to Mexico would be purchased from electric utilities and Federal power marketing agencies within the United States.

Williams proposes to arrange for the delivery of electric energy to Mexico over the international transmission facilities owned by San Diego Gas and Electric Company, El Paso Electric Company, Central Power and Light Company, and Comision Federal de Electricidad, the national electric utility of Mexico.

The construction of each of the international transmission facilities to be utilized by Williams, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Williams application to export electric energy to Mexico should be clearly marked with Docket EA–208. Additional copies are to be filed directly with Charlene K. Stanford, Regulatory Analyst, Williams Energy Marketing & Trading Company, P.O. Box 2848, Tulsa, OK 74101 and Hillary E. Howard, Esq., The Williams Companies, Inc., One Williams Center, Suite 4100, Tulsa, OK 74172.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

DOE has granted the applicant's request for an expedited notice and comment period of fifteen (15) days so that Williams may avail itself of an opportunity to export to Mexico within three weeks.

Issued in Washington, DC, on April 20, 1999.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 99–10409 Filed 4–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. PP–206]

Notice of Floodplain and Wetlands Involvement, Frontera Generation Limited Partnership

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: Frontera Generation Limited Partnership (Frontera) has applied for a Presidential permit to construct, connect, operate, and maintain electric transmission facilities across the U.S. border with Mexico. In accordance with DOE regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR Part 1022), a floodplain or wetlands assessment will be performed for this proposed action in a manner so as to avoid or minimize potential harm to or within potentially affected floodplain and wetlands.

DATES: Comments are due to the address below no later than May 11, 1999.

ADDRESSES: Written comments, questions about the proposed action, and requests to review the draft environmental assessment should be directed to: Ellen Russell, Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0350. Fax: (202) 287–5736. E-mail: Ellen.Russell@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–6667.

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN AND WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0119; Phone: 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION: Under Executive Order 11988, Floodplain Management, and 10 CFR Part 1022, Compliance with Floodplain-Wetlands Environmental Review Requirements (http://tis-nt.eh.doe.gov/nepa/tools/regulate/nepa—reg/1022/1022.htm), notice is given that DOE is considering an application from Frontera for a Presidential permit to construct, connect, operate, and maintain electric transmission facilities across the U.S. border with Mexico. Frontera proposes to construct a temporary 138,000-volt (138-kV) transmission line across the U.S. border with Mexico, near Mission, Texas, in June, 1999. The line would be approximately two miles long and constructed on wooden poles. At a later date, Frontera proposes to construct a permanent, double-circuit 230-kV transmission line on steel towers along the same right-of-way and subsequently remove the temporary 138-kV facilities. Notice of Frontera's application for a Presidential permit appeared in the **Federal Register** on March 9, 1999 (64 FR 11457).

Before making a final decision on granting or denying a Presidential permit to Frontera, DOE will prepare an environmental assessment (EA) to address the environmental impacts that would accrue from the proposed project and reasonable alternatives. The EA will be prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). The EA will include a floodplain and wetlands assessment. DOE expects to have a draft of the EA available for public review in May, 1999. Copies may be requested by telephone, facsimile, or e-mail from the address given above. A floodplain statement of findings will be included in any Finding of No Significant Impact that may be issued following completion of the EA.

Issued in Washington, D. C., on April 19, 1999.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

[FR Doc. 99–10410 Filed 4–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Floodplain Statement of Findings for the Transfer of Parcel H at the Miamisburg Environmental Management Project

AGENCY: Department of Energy (DOE), Ohio Field Office, Miamisburg Environmental Management Project (MEMP).

ACTION: Floodplain statement of findings.

SUMMARY: This is to give notice of DOE's proposal to transfer ownership of approximately 14 acres of property in the northeast corner of the MEMP site, commonly referred to as ''Parcel H;'' the MEMP site is located approximately 10 (ten) miles southwest of Dayton, Ohio. A small portion of Parcel H lies within the 100-year floodplain, i.e., the area is subject to a 1% chance per year of inundation from a nearby tributary of the Great Miami River. In accordance with 10 CFR 1022.5(d), DOE has identified those uses that are restricted under Federal, state, and local floodplain regulations. Several restrictions are found in state and local codes; these restrictions would apply to any future land owner, and are aimed exclusively at future development within the floodplain (e.g., construction of a building, modification of an existing public water system, operation of a hazardous waste management facility). There are no state or local floodplain protection standards governing the transfer (e.g., sale) of property that lies within a floodplain. As a part of the transfer, however, the DOE will make the future owner of Parcel H aware of the applicable governing regulations for development within or adjacent to the 100-year floodplain. It is the responsibility of the future land owner to comply with those regulations.

Consistent with 10 CFR 1022.12(a), an assessment describing the effects of the proposed action on the floodplain and other alternatives to the proposed action was prepared. Other options which were considered included sale of the property to another landlord or the Government Services Agency, long term lease, and no action (i.e., the land would continue in its current use under DOE ownership). The assessment concluded that these alternatives would be less successful or unsuccessful in meeting DOE's objective of quickly dispositioning real property. These alternatives also provide limited support for joint community/DOE goals to transition the site to an end-use that provides for economic redevelopment.

Relative to 10 CFR 1022.15(b)(4), the proposed action conforms to the appropriate floodplain protection standards, in the sense that any development of Parcel H by future landowners would be subject to all applicable Federal, state and local statutes, regulations and/or restrictions governing development activities within a floodplain. No such restrictions apply to the transfer of the floodplain property itself. Given the extent to which floodplain management is regulated (e.g., through design and construction constraints), it is reasonable to assume that potential harm to or within the floodplain would be minimized and that future development would not have an adverse effect on lives, property, or the environment. Therefore, no short-or long-term effects are expected as a result of the proposed action. Nor would the proposed action adversely affect the natural and beneficial values of the bulk of the 100-year floodplain that lies

outside Parcel H and the MEMP site as a whole.

DATES: Written comments must be received by the DOE at the following address on or before May 11, 1999.

ADDRESSES: For further information on this proposed action, including a site map and/or copy of the Floodplain Assessment, contact: Mr. Frank Schmaltz, Project Manager, U. S. Department of Energy, Miamisburg Environmental Management Project, P.O. Box 66, Miamisburg, OH 45343–0066, Phone: (937) 865–3620, Facsimile: (937) 865–4489.

FOR FURTHER INFORMATION CONTACT: For further information on general DOE floodplain and wetland environmental review requirements, contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U. S. Department of Energy 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone: (202) 586–4600 or 1–800–472–2756.

SUPPLEMENTARY INFORMATION: This Floodplain Statement of Findings for the Transfer of Parcel H at the MEMP has been prepared in accordance with Executive Order 11988, Floodplain Management, and 10 CFR 1022, DOE Regulations for Compliance with Floodplain/Wetland Environmental Review Requirements. A Notice of Floodplain Involvement was published in the **Federal Register** on January 12, 1999 (64 FR 1797). The DOE received no public comments on the Notice, and the proposed action remains the same. The proposed action would support ultimate disposition of the MEMP site. The MEMP site has been determined to be excess to DOE's long-term needs. This decision is supported by the Nonnuclear Consolidation Environmental Assessment (DOE/EA–0792) and associated Finding of No Significant Impact (FONSI) dated September 14, 1993, and the Memorandum of Understanding (MOU) between the DOE Defense Programs, Environmental Management and Nuclear Energy Programs, dated August 1, 1995. In order to meet DOE's programmatic need to disposition land determined to be excess to its needs, ownership of the entire MEMP site will eventually be transferred to a non-Federal entity. The property will be released in phases, since certain parcels of property are still in use or are not yet suitable for transfer. This Statement of Findings addresses one parcel of land, comprising approximately 14 acres of property in the northeast corner of the MEMP site. Transfer of the subject parcel conforms to state or local floodplain protection standards, in so much as any future land owner will be subject to the applicable state and local codes governing development activities in property that lies within a floodplain.

Issuance: Issued in Miamisburg, Ohio on April 15, 1999.

Susan L. Smiley,

NEPA Compliance Officer, Ohio Field Office.

[FR Doc. 99–10411 Filed 4–23–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–262–002]

Algonquin Gas Transmission Company; Notice of Errata Filing

April 20, 1999.

Take notice that on April 15, 1999, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets to become effective May 1, 1999:

Sub Fourth Revised Sheet No. 103
Sub Fourth Revised Sheet No. 118
Sub Fourth Revised Sheet No. 137
Sub Fourth Revised Sheet No. 154

Algonquin asserts that the purpose of this filing is to correct an inadvertency in Algonquin's filing on April 9, 1999 to comply with the Joint Stipulation and Agreement (Settlement) filed on March 4, 1999 in Docket No. RP99–262–000 and approved by the Commission's letter order issued April 1, 1999.

Algonquin states that Algonquin's April 9, 1999 filing contained revised tariff sheets which did not reflect the pro forma tariff sheets included in Exhibit C of the Settlement. Algonquin states that the substitute tariff sheets are filed for the sole purpose of correcting those certain tariff sheets in the April 9 Filing to reflect the language included in the pro forma tariff sheets in Exhibit C of the Settlement.

Algonquin states that copies of the filing were mailed to all parties on the service list in this proceeding and all other affected customers of Algonquin and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10334 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–255–002]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 20, 1999.

Take notice that, on April 15, 1999, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, to be effective April 1, 1999:

Fourth Revised Sheet No. 87

ANR states that this filing is made in compliance with Ordering Paragraph E of the Commission's Order dated March 31, 1999 in the captioned proceeding to redefine its definition of the Joliet Hub.

ANR states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10333 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–254–001]

Destin Pipeline Company, L.L.C.; Notice of Proposed Changes to FERC Gas Tariff

April 20, 1999.

Take notice that on April 15, 1999, Destin Pipeline Company, L.L.C. (Destin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following Tariff sheets to become effective April 1, 1999:

Original Sheet No. 94a
Substitute First Revised Sheet No. 136

Destin states that the purpose of this filing is to implement certain modifications to its tariff sheets in compliance with the Commission's Order issued on March 31, 1999, in the captioned proceeding. In accordance with the March 31, 1999 Order, Destin has requested that these sheets be made effective as of April 1, 1999.

Destin states that copies of the filing will be served upon its shippers and interested state commissions, and upon each party designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10332 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT99–19–000]

East Tennessee Natural Gas Company; Notice of Tariff Filing

April 20, 1999.

Take notice that on April 15, 1999, East Tennessee Natural Gas Company (East Tennessee), tendered for filing (1) a Gas Transportation Agreement between East Tennessee and Archer Daniels Midland Company (ADM) pursuant to Rate Schedule FT–A (ADM Agreement) and (2) First Revised Sheet No. 177 of East Tennessee's FERC Gas Tariff, Second Revised Volume No. 1. East Tennessee proposes that the attached revised tariff sheet be made effective on April 1, 1999.

East Tennessee states that it is submitting the ADM Agreement for Commission approval because it contains language which differs from the Form of Firm Transportation Agreement contained in East Tennessee's Volume No. 1 Tariff (Pro Forma FT–A Agreement). Specifically, the ADM Agreement grants ADM the option to terminate the ADM Agreement, effective no earlier than five years after the commencement of service, provided certain conditions are met.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10323 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–205–003]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

April 20, 1999.

Take notice that on April 16, 1999, Granite State Gas Transmission, Inc. (Granite State) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the revised tariff sheets listed below for effectiveness on May 1, 1999:

Nineteenth Revised Sheet No. 21
Twentieth Revised Sheet No. 22
Thirteenth Revised Sheet No. 23

Granite State states that the revised tariff sheets listed above reflect the removal of the surcharge on its firm and interruptible transportation rate schedules which was authorized in Docket No. RP98–205–000 to recover the costs related to the third extension of the lease of the Portland Pipe Line. According to Granite State, on May 1, 1998, it filed tariff sheets to establish a surcharge on its transportation rates to recover the costs for the one-year extension of the Portland Pipe Line lease from May 1, 1998, to April 30, 1999. Granite State further states that the Commission, in an order issued May 28, 1998 (83 FERC ¶ 61,217), authorized the surcharge for a period coterminus with the lease extension from May 1, 1998, to April 30, 1999.

Granite State further states that its filing in Docket No. RP98–205–000 also included a new provision in the General Terms and Conditions of its Gas Tariff: Section 34, related to the lease extension surcharge. According to Granite State, Section 34 has continuing effectiveness because it provides for reports to the Commission on costs incurred during the lease extension and revenues collected through the surcharge, for refunds for overcollections, a one-time surcharge for any undercollections and a final true-up report to the Commission. Granite State says that it will cancel Section 34 when the final report is filed with the Commission.

Granite State further states that copies of its filing have been served on its firm and interruptible transportation customers and on the regulatory agencies of the states of Maine, Massachusetts and New Hampshire.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission,

888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10326 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–318–000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

April 19, 1999.

Take notice that on April 15, 1999, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, Texas 77251–1478, filed a request with the Commission in Docket No. CP99–318–000 pursuant to Sections 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act for approval to abandon certain inactive delivery facilities, under the blanket certificate issued in Docket No. CP82–430–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is open to the public for inspection. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Koch Gateway proposes to abandon in place approximately 4,810 feet of 4-inch pipeline and abandon by removal approximately 100 feet of 4-inch pipeline and two 1-inch taps, all located in Lafayette Parish, Louisiana. Koch Gateway states that these facilities formerly served two farm tap customers on behalf of Reliant Energy Entex, a Division of Reliant Energy Resources Corporation (Entex), a local distribution company. Koch Gateway further states that Entex has tied these farm tap customers to their local distribution system; and as a result, Koch Gateway no longer provides natural gas service to these farm tap customers for Entex from the facilities proposed herein for abandonment.

Any person or the Commission's Staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the allowed time, the proposed activities shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

David P. Boergers,

Secretary.

[FR Doc. 99–10403 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–248–001]

PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

April 20, 1999.

Take notice that on April 15, 1999, PG&E Gas Transmission, Northwest Corporation (PG&E GT–NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A: Substitute Third Revised Sheet No. 119 and Substitute Third Revised Sheet No. 121. PG&E GT–NW requests that the above-referenced tariff sheets become effective April 1, 1999.

PG&E GT–NW asserts that the purpose of this filing is to comply with the Commission's Order of March 31, 1999 (86 FERC ¶ 61,315 (1999)), by clarifying the language of Sections 29.1 (b) and (d) of its tariff to the effect that a shipper's rights to change primary receipt and delivery points cannot be used to change the direction of flow of the shipper's Primary Path.

PG&E GT–NW further states that a copy of this filing has been served on all parties on the official service list for this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10331 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–298–000]

Portland Natural Gas Transmission System; Notice of Application

April 20, 1999.

Take notice that on April 13, 1999, Portland Natural Gas Transmission System (PNGTS), One Harbour Place, Portsmouth, New Hampshire 03801, filed in Docket No. CP99–298–000, an application, pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Specifically, PNGTS proposes to construct and operate a tap in Windham, Maine to serve CMP Natural Gas, L.L.C. (CMP Gas). PNGTS states that the estimated cost of the project is $287,000 construction from CMP Gas.

Any person desiring to be heard or to protest with reference to said application should on or before April 27, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonments and a grant of the certificate are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for PNGTS to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–10321 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–3–31–001]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

April 20, 1999.

Take notice that on April 14, 1999, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets to be effective May 1, 1999:

Substitute Seventeenth Revised Sheet No. 5
Substitute Sixteenth Revised Sheet No. 6

REGT state that the purpose of this filing is to reflect the reduction of its Electric Power Costs Tracker in its Minimum Commodity and Overrun rates on the subject tariff sheets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10335 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP98–364–002 and RP99–251–002]

South Georgia Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff

April 20, 1999.

Take notice that on April 15, 1999, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective April 1, 1999:

First Revised Sheet No. 17a
Second Revised Sheet No. 18
First Revised Sheet No. 35a
Third Revised Sheet No. 36
First Revised Sheet No. 88
First Substitute Fifth Revised Sheet No. 98

South Georgia states that the purpose of this filing is to comply with the Commission's letter order dated March 31, 1999 in the above-referenced dockets.

South Georgia states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10329 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–237–001]

South Georgia Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff

April 20, 1999.

Take notice that on April 15, 1999, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet to become effective April 1, 1999:

First Substitute Original Sheet No. 98b

South Georgia states that the purpose of this filing is to comply with the Commission's March 31, 1999 letter order in the above-referenced docket by correcting a typographical error in Section 30 of its Tariff.

South Georgia states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10330 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–314–000]

Southern Natural Gas Company; Notice of Application

April 20, 1999.

Take notice that on April 14, 1999, Southern Natural Gas Company (Southern) filed in the above-captioned docket and application pursuant to the provisions of Section 7 of the Natural Gas Act (NGA), as amended, and pursuant to the Federal Energy Regulatory Commission's (Commission) Regulations under the NGA for an order approving the abandonment of certain pipeline and appurtenant facilities and for a certificate of public convenience and necessity authorizing the construction, installation and operation of approximately 2.304 miles of 22-inch replacement pipeline and related appurtenant facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at: http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance.

Southern requests authorization to abandon in place approximately 3.341 miles of its North Main Line extending from Mile Post 52.030 to Mile Post 54.312 and 0.873 miles of a North Main auxiliary river crossing pipeline extending from Mile Post 54.171 to Mile Post 55.044 in East Carroll Parish, Louisiana and to construct, install, and operate approximately 2.304 miles of 22-inch North Main Replacement Line in the existing right-of-way of the North Main Line in East Carroll Parish, Louisiana. Southern will tie-in the North Main Replacement Line to the North Main Line at Mile Post 52.030 and Mile Post 54.493. The total cost of the abandonment and replacement is estimated to be $2.5 million. Southern requests Commission approval of the application by May 31, 1999 so that construction can begin on August 1, 1999.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1999, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 or 385.214, and the Regulations under the Natural Gas Act, 18 CFR 157.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein or if the Commission on its own review of the matter finds that a grant of the subject authorization is required by the public convenience and necessity. If a motion for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or to be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 99–10322 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP98–363–002 and RP99–253–003]

Southern Natural Gas Company; Notice of Proposed Changes to FERC Gas Tariff

April 20, 1999.

Take notice that on April 15, 1999, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets to become effective April 1, 1999:

First Substitute Third Revised Sheet No. 44a
First Substitute Sixth Revised Sheet No. 58
First Substitute First Revised Sheet No. 90
First Substitute First Revised Sheet No. 92
First Substitute First Revised Sheet No. 118
First Revised Sheet No. 130a
Fourth Revised Sheet No. 131
First Revised Sheet No. 155
First Substitute Fourth Revised Sheet No. 212h

Southern states that the purpose of this filing is to comply with the Commission's letter order dated March 31, 1999 in the above-referenced dockets.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests

will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10328 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT99–10–000]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 20, 1999.

Take notice that on April 14, 1999, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Fifth Revised Sheet No. 401, with an effective date of May 14, 1999.

Tennessee states that the tariff sheet updates the name of the operating personnel that Tennessee shares with its marketing affiliates and deletes an out-dated reference to Tenneco Gas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10324 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–290–002]

Viking Gas Transmission Company; Notice of Filing

April 20, 1999.

Take notice that on April 15, 1999, Viking Gas Transmission Company (Viking) tendered for filing a Motion To Place Settlement Rates into Effect on an Interim Basis Subject To Conditions (Motion) and tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective January 1, 1999 subject to the conditions set forth in Viking's Motion:

Fifteenth Revised Sheet No. 6
Ninth Revised Sheet No. 6A

Viking states that the purpose of this filing is to place the Settlement Rates into effect on an interim basis subject to certain conditions in accordance with the Offer of Settlement filed in this proceeding on March 16, 1999 and certified to the Commission as uncontested on April 7, 1999.

Viking states that copies of this filing have been served on all parties designated on the official service list in this proceeding, on all Viking's jurisdictional customers and to affected state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10327 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2284–004, et al.]

MEG Marketing, LLC, et al.; Electric Rate and Corporate Regulation Filings

April 19, 1999.

Take notice that the following filings have been made with the Commission:

1. MEG Marketing, LLC

[Docket No. ER98–2284–004]

Take notice that on April 14, 1999, MEG Marketing, LLC (MEG), tendered for filing a proposed change in its market-based rate schedule to permit MEG to sell energy and capacity to affiliates that are not franchised electric utilities and to provide for the reassignment of transmission capacity. MEG also filed a copy of its Code of Conduct, which was adopted prior to the recent acquisition of an indirect interest in MEG by Sempra Energy Trading Corp., and affiliate San Diego Gas & Electric Company.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. New Century Services, Inc.

[Docket No. ER99–1610–001]

Take notice that on April 14, 1999, New Century Services, Inc., on behalf of Public Service Company of Colorado, Southwestern Public Service Company, and e prime, inc., tendered for filing a compliance filing in response to the Commission's Order Granting Waiver of Notice, Denying Motion to Reject, Rejecting Answers, and Conditionally Accepting for Filing Tariffs for Market-Based Power Sales issued on March 30, 1999 in this docket.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Mt. Wheeler Power, Inc.

[Docket No. ER99–2483–000]

Take notice that on April 13, 1999, Mt. Wheeler Power, Inc. (Mt. Wheeler), tendered for filing an Application for Acceptance of Initial Rate Filing and Waiver of Notice Requirement for an Excess Power Sales Agreement, as amended, under which Mt. Wheeler provides energy at wholesale to the Cities of Burbank, Glendale, and Pasadena, California, and the Los Angeles Department of Water and Power. Mt. Wheeler is a non-profit distribution cooperative that retired its outstanding Rural Utilities Service debt on September 25, 1997.

Mt. Wheeler seeks Commission acceptance of its Excess Power Sales Agreement, as amended, effective September 25, 1997. Mt. Wheeler seeks no changes in the rates, charges, terms or conditions of the Excess Power Sales Agreement, as amended. Accordingly, Mt. Wheeler seeks a waiver pursuant to 18 CFR 35.11 of the 60-day prior notice requirement of 18 CFR 35.3.

Comment date: May 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Flowell Electric Association

[Docket No. ER99–2484–000]

Take notice that on April 13, 1999, Flowell Electric Association (Flowell), tendered for filing an Application for Acceptance of Initial Rate Filing and Waiver of Notice Requirement for an Excess Power Sales Agreement, as amended, under which Flowell provides energy at wholesale to the Cities of Burbank, Glendale, and Pasadena, California, and the Los Angeles Department of Water and Power. Flowell is a non-profit distribution cooperative that retired its outstanding Rural Utilities Service debt on October 16, 1996.

Flowell seeks Commission acceptance of its Excess Power Sales Agreement, as amended, effective October 16, 1996. Flowell seeks no changes in the rates, charges, terms or conditions of the Excess Power Sales Agreement, as amended. Accordingly, Flowell seeks a waiver pursuant to 18 CFR 35.11 of the 60-day prior notice requirement of 18 CFR 35.3.

Comment date: May 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. UtiliCorp United Inc.

[Docket No. ER99–2485–000]

Take notice that on April 14, 1999, UtiliCorp United Inc., tendered for filing, a Service Agreement under its Market-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 28, with St. Joseph Power & Light Company. The Service Agreement provides for the sale of capacity and energy by UtiliCorp United Inc., to St. Joseph Power & Light Company pursuant to the tariff.

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Moon Lake Electric Association

[Docket No. ER99–2486–000]

Take notice that on April 13, 1999, Moon Lake Electric Association (Moon Lake), tendered for filing an Application for Acceptance of Initial Rate Filing and Waiver of Notice Requirement for an Excess Power Sales Agreement, as amended, under which Moon Lake provides energy at wholesale to the Cities of Burbank, Glendale, and Pasadena, California, and the Los Angeles Department of Water and Power. Moon Lake is a non-profit distribution cooperative that retired its outstanding Rural Utilities Service debt on October 16, 1996.

Moon Lake seeks Commission acceptance of its Excess Power Sales Agreement, as amended, effective October 16, 1996. Moon Lake seeks no changes in the rates, charges, terms or conditions of the Excess Power Sales Agreement, as amended. Accordingly, Moon Lake seeks a waiver pursuant to 18 CFR 35.11 of the 60-day prior notice requirement of 18 CFR 35.3.

Comment date: May 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Dixie-Escalante Rural Electric Association

[Docket No. ER99–2487–000]

Take notice that on April 13, 1999, Dixie-Escalante Rural Electric Association (Dixie-Escalante), tendered for filing an Application for Acceptance of Initial Rate Filing and Waiver of Notice Requirement for an Excess Power Sales Agreement, as amended, under which Dixie-Escalante provides energy at wholesale to the Cities of Burbank, Glendale, and Pasadena, California, and the Los Angeles Department of Water and Power. Dixie-Escalante is a non-profit distribution cooperative that retired its outstanding Rural Utilities Service debt on October 16, 1996.

Dixie-Escalante seeks Commission acceptance of its Excess Power Sales Agreement, as amended, effective October 16, 1996. Dixie-Escalante seeks no changes in the rates, charges, terms or conditions of the Excess Power Sales Agreement, as amended. Accordingly, Dixie-Escalante seeks a waiver pursuant to 18 CFR 35.11 of the 60-day prior notice requirement of 18 CFR 35.3.

Comment date: May 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Bridger Valley Electric Association

[Docket No. ER99–2488–000]

Take notice that on April 13, 1999, Bridger Valley Electric Association (Bridger Valley), tendered for filing an Application for Acceptance of Initial Rate Filing and Waiver of Notice Requirement for an Excess Power Sales Agreement, as amended, under which Bridger Valley provides energy at wholesale to the Cities of Burbank, Glendale, and Pasadena, California, and the Los Angeles Department of Water and Power. Bridger Valley is a non-profit distribution cooperative that retired its outstanding Rural Utilities Service debt on January 31, 1997.

Bridger Valley seeks Commission acceptance of its Excess Power Sales Agreement, as amended, effective January 31, 1997. Bridger Valley seeks no changes in the rates, charges, terms or conditions of the Excess Power Sales Agreement, as amended. Accordingly, Bridger Valley seeks a waiver pursuant to 18 CFR 35.11 of the 60-day prior notice requirement of 18 CFR 35.3.

Comment date: May 3, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Green Mountain Energy Resources L.L.C.

[Docket No. ER99–2489–000]

Take notice that on April 14, 1999, Green Mountain Energy Resources L.L.C. (Green Mountain Energy), petitioned the Commission for acceptance of Green Mountain Energy Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

Green Mountain Energy intends to engage in wholesale electric power and Energy purchases and sales as a marketer. Green Mountain Energy is not in the business of generating or transmitting electric power. Green Mountain Energy is involved in electric Energy marketing, with its primary purpose of serving Energy customers in the developing ''green'' power markets.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. PECO Energy Company

[Docket No. ER99–2490–000]

Take notice that on April 14, 1999, PECO Energy Company (PECO), tendered for filing a Service Agreement dated October 7, 1998 with PSEG Energy Technologies, Inc. (PSEG ET), under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds PSEG ET as a customer under the Tariff.

PECO requests an effective date of April 13, 1999, for the Service Agreement.

PECO states that copies of this filing have been supplied to PSEG ET and to the Pennsylvania Public Utility Commission.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. MidAmerican Energy Company

[Docket No. ER99–2492–000]

Take notice that on April 14, 1999, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, tendered for filing with the Commission a Non-Firm Transmission Service Agreement with Cordova Energy Company LLC, dated April 5, 1999, entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of April 5, 1999, for the Agreement with Cordova, and accordingly seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on Cordova, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. PacifiCorp

[Docket No. ER99–2493–000]

Take notice that on April 14, 1999, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, the Generation Interconnection Agreement between PacifiCorp and Foote Creek III, LLC (Foot Creek III) dated March 24, 1999.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Southern California Edison Company

[Docket No. ER99–2495–000]

Take notice that on April 14, 1999, Southern California Edison Company (SCE), tendered for filing executed Service Agreements for Wholesale Distribution Service with Mountainview Power Company and Riverside Canal Power Company under SCE's Wholesale Distribution Access Tariff.

SCE respectfully requests waiver of the 60-day prior notice requirements and requests the Commission to assign an effective date of April 20, 1999, to the Service Agreements and the index of subscribers.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Southern Indiana Gas and Electric Company

[Docket No. ER99–2496–000]

Take notice that on April 14, 1999, Southern Indiana Gas and Electric Company (SIGECO), tendered for filing the following agreement concerning the provision of electric service to DukeSolutions, Inc., as a umbrella service agreement under its market-based Wholesale Power Sales Tariff:

1. Wholesale Energy Service Agreement dated March 12, 1999 by and between Southern Indiana Gas and Electric Company and DukeSolutions, Inc.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Consumers Energy Company

[Docket No. ER99–2497–000]

Take notice that on April 14, 1999, Consumers Energy Company (Consumers), tendered for filing executed service agreements for Non-Firm Point-to-Point Transmission Service and Firm Point-to-Point Transmission Service with PG&E Energy Trading and for Firm Point-to-Point Transmission Service with Duke Power, a division of Duke Energy Corporation.

All three agreements are pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison) and have effective dates of April 12, 1999.

Copies of the filing were served upon the Michigan Public Service Commission, Detroit Edison and the two customers listed above.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. New York State Electric & Gas Corporation

[Docket No. ER99–2498–000]

Take notice that on April 14, 1999, New York State Electric & Gas Corporation (NYSEG), tendered for filing executed Network Service and Network Operating Agreements between NYSEG and Central Hudson Enterprises Inc. These Agreements specify that the Transmission Customer has agreed to the rates, terms and conditions of NYSEG's currently effective open access transmission tariff and other revisions to the OATT applicable to all customers who take service under its retail access program.

NYSEG requests waiver of the Commission's 60-day notice requirements and an effective date of the Agreements of one day after receipt of the filing of the agreements with the Commission.

NYSEG has served copies of the filing on the New York State Public Service Commission and the Transmission Customer.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER99–2499–000]

Take notice that on April 14, 1999, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP), tendered for filing a Non-Firm and a Short-Term Firm Point-to-Point Transmission Service Agreement between NSP and The Energy Authority.

NSP requests that the Commission accept both the agreements effective March 24, 1999, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Commonwealth Edison Company

[Docket No. ER99–2501–000]

Take notice that on April 14, 1999, Commonwealth Edison Company (ComEd), tendered for filing a revised Index of Customers reflecting name changes for current customers AIG Trading Corporation, renamed Sempra Energy Trading Corp. (SETC); Vastar Power Marketing, Inc., renamed Southern Company Energy Marketing L.P. (SCEM); Duke/Louis Dreyfus L.L.C., renamed Duke Energy Trading and Marketing, L.L.C. (DETM); Heartland Energy Services, Inc., renamed Cargill-Alliant, L.L.C. (CALT); Market Responsive Energy, Inc., renamed First Energy Trading & Power Marketing, Inc. (FETM); Noram Energy Services, renamed Reliant Energy Services, Inc. (RESI); Catex Vitol Electric L.L.C., renamed Vitol Gas & Electric L.L.C. (VGE); and Plum Street Marketing, Inc., renamed Niagara Mohawk Energy Marketing, Inc. (NME). The new names are now reflected as customers under the terms of ComEd's under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of April 13, 1999, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on SETC, SCEM, DETM, CALT, FETM, RESI, VGE and NME.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10319 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–191–000]

Northern Natural Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Elk River Loop '99 Project and Request for Comments on Environmental Issues

April 13, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Elk River Loop '99 Project involving the construction and operation of facilities by Northern Natural Gas Company (Northern) in Anoka and Sherburne Counties, Minnesota.[1] These facilities would consist of about 15 miles of 16-inch-diameter pipeline loop. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity. The application and other supplemental filings in this docket are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.[2]

Summary of the Proposed Project

Northern wants to construct and operate 15 miles of 16-inch-diameter pipeline and appurtenances, to loop the Elk River Branch in Anoka and Sherburne Counties, Minnesota. Northern states that the facilities would allow it to meet third through fifth year Peak Day 2000 firm obligations to Minnegasco, a Division of NorAm Energy Corporation, and to Northern States Power Company—Minnesota.

The location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would require about 192.5 acres of land including 132.4 acres of existing permanent right-of-way (ROW), and 60.1 acres of temporary construction ROW for extra work spaces and storage yards. The new 16-inch pipeline would typically be offset 20 feet from the existing 6-inch to 8-inch-diameter Elk River Branchline. Northern states that it has existing multiple-line rights with defined and blanket easements for greater than 99 percent of the proposed route, but it would need to acquire new ROW for the loop where it currently has only a single pipeline easement, and/or in areas where it needs temporary extra workspace outside of the existing ROW. Northern proposes to use a 75-foot-wide construction ROW measured from the centerline of its Elk River Branchline on either the north or south side, depending on the location along the route. Extra workspaces would also be used that typically range from 25 by 100 feet to 225 by 300 feet along the ROW. Most of the extra workspaces are located near road and stream crossings.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Public safety
- Land use
- Cultural resources
- Endangered and threatened species

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest

[1] Northern's application was filed with the Commission under Section 157.208(b) of the Natural Gas Act, but was protested by the Commission's staff and others, and will convert to a Section 7(c) filing on April 26, 1999.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 4 of this notice.

Currently Identified Environmental Issues

We have already identified the following issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Northern. This preliminary list of issues may be changed based on your comments and our analysis.

- Thirty-nine wetlands would be crossed by the project route, with 26.2 acres of potential wetland impacts.
- Seventy residences in the project area would be within 50 feet of the construction ROW.
- One hundred and twelve drinking water supply wells would be within 150 feet of the construction ROW.
- About 9.8 miles of prime farmland soils would be crossed by the project route.
- Alternative route(s) may be available to mitigate impact on sensitive areas.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Sent two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.2;
- Reference Docket No. CP99–191–000; and
- Mail your comments so that they will be received in Washington, DC on or before May 14, 1999.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. For assistance with access to RIMS, the RIMS help line can be reached at (202) 208–2222. Access to the texts of formal documents issued by the Commission with regard to this docket, such as orders and notices, is also available on the FERC website using the ''CHIP'' link. FOr assistance with access to CIPS, the CIPS help line can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–10336 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

April 19, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No:* 2368–026.

c. *Date Filed:* March 23, 1999.

d. *Applicants:* Maine Public Service Company.

e. *Name of Project:* Squa Pan.

f. *Location:* On the Colella River, in Aroostook County, Maine. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Mr. Russell Smith, Maine Public Service Company, P.O. Box 1209, Presque Isle, ME 04769, (207) 768–5811.

i. *FERC Contact:* Any questions on this notice should be addressed to Tom Papsidero at (202) 219–2715, or e-mail address: Thomas.Papsidero@ferc.fed.us.

j. *Deadline for Filing Comments and/or Motions:* May 6, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

Please include the project number (2368–026) on any comments or motions filed.

k. Description of Transfer: Maine Public Service Company requests to transfer the license to PDI New England, Inc. as part of its divestiture of assets mandated by the State of Maine.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTESTS'', or

''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–10320 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Reservoir Drawdown and Soliciting Comments, Motions To Intervene, and Protests

April 20, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request to drawdown reservoir to facilitate spillway rehabilitation.

b. *Project No.:* 2587–025.

c. *Date Filed:* April 7, 1999.

d. *Applicant:* Northern States Power Company.

e. *Name of Project:* Superior Falls Project.

f. *Location:* The project is located on the Montreal River in Iron County, Wisconsin, and Gogebic County, Michigan. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* 18 CFR § 45.200.

h. *Applicant Contact:* Mr. Lloyd Everhart, Northern States Power Company, P.O. Box 8, Eau Claire, WI 54702–0008 (715) 839–2692.

i. *FERC Contact:* Any questions on this notice should be addressed to Diana Shannon at (202) 208–7774, or e-mail address diana.shannon@ferc.fed.us.

j. *Deadline for Filing Comments and or Motions:* May 7, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, Mail Code: DLC, HL–11.1, 888 First Street, NE., Washington, DC 20426.

Please include the Project Number (2587–025) on any comments or motions filed.

k. *Description of Amendment:* The licensee plans spillway rehabilitation work that includes replacing the three wooden spill gates with one large steel gate. The work will also involve surface repairs of the concrete spillway and other improvements. To facilitate this work, the licensee plans to drawdown the reservoir to a depth of one foot below the sill of the spillway gates, approximately 21 feet. The work is planned from May 1999–October 1999. The licensee has initiated consultation with the resource agencies regarding the drawdown.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be reviewed on the website at http/www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. The determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comments date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99–10325 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Notice

April 21, 1999.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: April 28, 1999, 10:00 a.m.

PLACE: Room 2C, 888 First Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

Consent Agenda—Hydro; 718th Meeting—April 28, 1999; Regular Meeting (10:00 a.m.)

CAH–1.

DOCKET# P–2680, 050, Consumers Energy Company and the Detroit Edison Company

CAH–2.

DOCKET# P–2842, 029, City of Idaho Falls, Idaho

OTHER#S P–553, 066, City of Seattle, Washington

P–619, 077, City of Santa Clara, California
P–637, 015, Public Utility District No. 1 of Chelan County, Washington
P–943, 068, Public Utility District No. 1 of Chelan County, Washington
P–1417, 052, The Central Nebraska Public Power and Irrigation District
P–1862, 041, City of Tacoma, Washington
P–2000, 019, New York Power Authority
P–2016, 033, City of Tacoma, Washington
P–2042, 009, Public Utility District No. 1 of Pend Oreille County, Washington
P–2101, 057, Sacramento Municipal Utility District
P–2144, 020, City of Seattle, Washington
P–2145, 035, Public Utility District No. 1 of Chelan County, Washington
P–2149, 072, Public Utility District No. 1 of Chelan County, Washington
P–2216, 037, New York Power Authority
P–2409, 098, Calaveras County Water District
P–2442, 032, City of Watertown, New York
P–2685, 006, New York Power Authority
P–2705, 012, City of Seattle, Washington
P–2952, 061, City of Idaho Falls, Idaho
P–2959, 076, City of Seattle, Washington
P–2997, 019, South Sutter Water District
P–3083, 085, Oklahoma Municipal Power Authority
P–3190, 009, City of Santa Clara, California
P–3193, 009, City of Santa Clara, California
P–6842, 097, Cities of Aberdeen and Tacoma, Washington
P–10551, 069, City of Oswego, New York

CAH–3.
DOCKET# P–4376, 004, High Country Resources
OTHER#S P–4437, 009, Glacier Energy Company

CAH–4.
DOCKET# P–10536, 004, Public Utility District No. 1 of Okanogan County, Washington
OTHER#S P–10536, 005, Public Utility District No. 1 of Okanogan County, Washington

CAH–5.
DOCKET# P–2496, 039, Eugene Water and Electric Board

CAH–6.
DOCKET# P–4656, 013, Boise-Kuna Irrigation District, Nampa & Meridian Irrigation District and New York Irrigation District, et al.

Consent Agenda—Electric

CAE–1.
DOCKET# ER99–1983, 000, Geyers Power Company, LLC
OTHER#S ER99–1993, 000, Geyers Power Company, LLC
ER99–2043, 000, Southern Energy Lovett, L.L.C.
ER99–2044, 000, Southern Energy Bowline, L.L.C.
ER99–2045, 000, Southern Energy NY-GEN, L.L.C.
ER99–2108, 000, LG&E Capital Corporation
ER99–2156, 000, Cordova Energy Company LLC

CAE–2.
DOCKET# ER99–2251, 000, Consolidated Edison Company of New York, Inc.
OTHER#S ER99–2252, 000, Orange and Rockland Utilities, Inc.

CAE–3.
DOCKET# ER99–2025, 000, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

CAE–4.
DOCKET# ER98–3594, 000, California Independent System Operator Corporation

CAE–5.
DOCKET# ER99–994, 000, Wisconsin Public Service Corporation

CAE–6.
DOCKET# ER98–4635, 001, Niagara Mohawk Power Corporation

CAE–7.
DOCKET# OA97–140, 000, Seminole Electric Cooperative, Inc.

CAE–8.
DOCKET# OA96–70, 000, Boston Edison Company
OTHER#S OA96–70, 002, Boston Edison Company

CAE–9.
DOCKET# EL98–52, 000, North American Electric Reliability Council
OTHER#S ER99–1957, 000, Northeast Power Coordinating Council
ER99–1967, 000, Commonwealth Edison Company and Commonwealth Edison Company of Indiana
ER99–1968, 000, Illinois Power Company
ER99–1969, 000, Entergy Services, Inc.
ER99–1972, 000, Southern Indiana Gas and Electric Company
ER99–1973, 000, Member Systems of New York Power Pool
ER99–1984, 000, Alliant Energy Corporate Services
ER99–1986, 000, Virginia Electric and Power Company
ER99–1987, 000, Dayton Power & Light Company
ER99–1991, 000, American Electric Power Service Corporation
ER99–1994, 000, Carolina Power & Light Company
ER99–1996, 000, Madison Gas & Electric Company
ER99–1997, 000, Cinergy Services, Inc.
ER99–1998, 000, Western Resources, Inc.
ER99–1999, 000, Central Illinois Light Company
ER99–2000, 000, Southern Company Services, Inc.
ER99–2001, 000, Ohio Valley Electric Corporation
ER99–2002, 000, Allegheny Power Service Company
ER99–2003, 000, Florida Power Corporation, Florida Power & Light Company and Tampa Electric Company
ER99–2004, 000, WPS Resources Corporation
ER99–2008, 000, East Texas Electric Cooperative, Inc.
ER99–2009, 000, Maine Public Service Company
ER99–2010, 000, PJM Interconnection, L.L.C.
ER99–2011, 000, Duke Energy Corporation
ER99–2012, 000, North American Electric Reliability Council
ER99–2014, 000, The Detroit Edison Company and Consumers Energy Company
ER99–2015, 000, Duquesne Light Company
ER99–2016, 000, South Carolina Electric & Gas Company
ER99–2018, 000, Ameren Services Company
ER99–2019, 000, Wisconsin Electric Power Company
ER99–2031, 000, Wolverine Power Supply Cooperative, Inc.
ER99–2032, 000, Louisville Gas and Electric Company and Kentucky Utilities Company
ER99–2033, 000, Cleco Corporation
ER99–2035, 000, Public Service Company of Oklahoma and Southwestern Electric Power Company
ER99–2036, 000, Oklahoma Gas & Electric Company
ER99–2037, 000, Empire District Electric Company
ER99–2038, 000, Southwest Power Pool, Inc.
ER99–2040, 000, United Illuminating Company
ER99–2042, 000, Firstenergy Corporation
ER99–2074, 000, Electric Energy, Inc.
ER99–2075, 000, Northern Indiana Public Service Company

CAE–10.
OMITTED

CAE–11.
DOCKET# ER98–3760, 000, California Independent System Operator Corporation
OTHER#S EC96–19, 006, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 008, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 009, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 010, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 011, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 013, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
EC96–19, 014, California Independent System Operator Corporation
EC96–19, 015, California Independent System Operator Corporation
EC96–19, 016, California Independent System Operator Corporation
EC96–19, 017, California Independent System Operator Corporation
EC96–19, 018, California Independent System Operator Corporation
EC96–19, 021, California Independent System Operator Corporation
EC96–19, 023, California Independent System Operator Corporation
EC96–19, 029, California Independent System Operator Corporation
EC96–19, 030, California Independent System Operator Corporation
ER96–1663, 007, California Independent System Operator Corporation

ER96–1663, 009, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
ER96–1663, 010, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
ER96–1663, 011, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
ER96–1663, 012, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company
ER96–1663, 014, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company
ER96–1663, 015, California Independent System Operator Corporation
ER96–1663, 016, California Independent System Operator Corporation
ER96–1663, 017, California Independent System Operator Corporation
ER96–1663, 018 California Independent System Operator Corporation
ER96–1663, 019, California Independent System Operator Corporation
ER96–1663, 022, California Independent System Operator Corporation
ER96–1663, 024, California Independent System Operator Corporation
ER96–1663, 030, California Independent System Operator Corporation
ER96–1663, 031, California Independent System Operator Corporation
ER98–1971, 000, California Independent System Operator Corporation
ER98–3760, 003, California Independent System Operator Corporation

CAE–12.
DOCKET# ER97–1523, 000, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. and Long Island Lighting Company, et al.
OTHER#S EC99–31, 000, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. and Long Island Lighting Company, et al.
ER97–1523, 001, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. and Long Island Lighting Company, et al.
OA97–470, 000, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. and Long Island Lighting Company, et al.
OA97–470, 002 Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc. and Long Island Lighting Company, et al.

CAE–13.
DOCKET# ER99–723, 001, Florida Power & Light Company

CAE–14.
DOCKET# EL98–52, 002, North American Electric Reliability Council

CAE–15.
DOCKET# EL99–17, 000, Central Illinois Light Company v. Central Illinois Public Service Company, Union Electric Company and Ameren Services Company

CAE–16.
DOCKET# EL98–41, 000, Committee of Certain Members of Cajun Electric Power Cooperative, Inc.

CAE–17.
DOCKET# EL99–36, 000, Montaup Electric Company

CAE–18.
DOCKET# EL99–43, 000, New York Power Pool

CAE–19.
DOCKET# OA98–6, 002, First Energy Corporation, Centerior Energy Corporation and Cleveland Electric Illuminating Company, et al.
OTHER#S OA97–276, 002, Portland General Electric Company
OA97–312, 003, Western Resources, Inc.
OA97–436, 002, Tucson Electric Power Company

CAE–20.
DOCKET# OA97–271, 003, Ameren Services Company, Central Illinois Public Service Company and Union Electric Company
OTHER#S OA97–196, 003, Central Vermont Public Service Corporation and Connecticut Valley Electric Company, Inc.
OA97–196, 004, Central Vermont Public Service Corporation and Connecticut Valley Electric Company, Inc.
OA97–398, 003, Southern Company Services, Alabama Power Company, Georgia Power Company and Gulf Power Company, et al.
OA97–416, 004, South Carolina Electric and Gas Company
OA97–450, 004, Duke Power Company and Nantahala Power and Light Company
OA97–510, 003, Ameren Services Company, Central Illinois Public Service Company and Union Electric Company

CAE–21.
DOCKET# ER96–1208, 000, Interstate Power Company
OTHER#S ER96–1208, 002, Interstate Power Company
OA96–213, 000, Interstate Power Company

Consent Agenda—Gas and Oil

CAG–1.
DOCKET# RP99–266, 000, Destin Pipeline Company, L.L.C.

CAG–2.
DOCKET# RP99–272, 000, Transcontinental Gas Pipe Line Corporation

CAG–3.
DOCKET# RP99–278, 000, Transcontinental Gas Pipe Line Corporation

CAG–4.
DOCKET# SA98–6, 000, Wenert Trich

CAG–5.
OMITTED

CAG–6.
DOCKET# RP99–271, 000, Williams Gas Pipelines Central, Inc.
OTHER#S RP89–183, 092, Williams Gas Pipelines Central, Inc.

CAG–7.
DOCKET# RP99–274, 000, Kern River Gas Transmission Company

CAG–8.
OMITTED

CAG–9.
DOCKET# SA98–3, 000, Edgar W. White
OTHER#S SA98–4, 000, Edgar W. White
SA98–5, 000, Edgar W. White

CAG–10.
DOCKET# PR99–5, 000, DOW Pipeline Company

CAG–11.
DOCKET# PR99–3, 000, Bay Gas Storage Company, LTD.
OTHER#S PR99–3, 001, Bay Gas Storage Company, LTD.

CAG–12.
DOCKET# RP95–64, 004, Tennessee Gas Pipeline Company
OTHER#S RP96–292, 000, Tennessee Gas Pipeline Company
RP98–14, 000, Tennessee Gas Pipeline Company
RP98–238, 000, Tennessee Gas Pipeline Company
RP99–209, 000, Tennessee Gas Pipeline Company

CAG–13.
DOCKET# RP99–229, 000, National Fuel Gas Supply Corporation

CAG–14.
DOCKET# OR99–1, 000, Explorer Pipeline Company

CAG–15.
DOCKET# RP95–363, 002, EL Paso Natural Gas Company

CAG–16.
DOCKET# RP97–346, 018, Equitrans, L.P.
OTHER#S RP97–346, 019, Equitrans, L.P.
RP97–346, 020, Equitrans, L.P.
RP98–123, 005, Equitrans, L.P.
TM97–3–24, 006, Equitrans, L.P.

CAG–17.
DOCKET# RP99–215, 001, Wyoming Interstate Company, LTD.

CAG–18.
DOCKET# RP99–176, 005, Natural Gas Pipeline Company of America

CAG–19.
DOCKET# RP98–310, 004, Natural Gas Pipeline Company of America

CAG–20.
OMITTED

CAG–21.
DOCKET# RP97–408, 007, Trailblazer Pipeline Company
OTHERS#S RP97–408, 006, Trailblazer Pipeline Company

CAG–22.
DOCKET#6 RP96–129, 004, Trunkline Gas Company

CAG–23.
DOCKET# OR96–14, 000, EXXON Company, U.S.A. v. Amerada Hess Pipeline Corporation, Arco Transporation Alaska, Inc. and BP Pipe-Lines (Alaska), Inc. et al.

CAG–24.
DOCKET# OR98–24, 000, Tesoro Alaska Petroleum Company v. Amerada Hess Pipeline Corporation and Arco Transportation Alaska, Inc., et al.

CAG–25.
DOCKET# CP98–21, 001, Transcontinental Gas Pipe Line Corporation

CAG–26.
DOCKET# CP96–53, 002, NE Hub Partners, L.P.
CP96–53, 000, NE Hub Partners, L.P.
CP96–53, 003, NE Hub Partners, L.P.
CP96–53, 004, NE Hub Partners, L.P.

CP96–53, 005, NE Hub Partners, L.P.
CP96–53, 006, NE Hub Partners, L.P.
CP96–53, 007, NE Hub Partners, L.P.
CP96–53, 008, NE Hub Partners, L.P.
CAG–27.
DOCKET# CP92–741, 001, Williston Basin Interstate Pipeline Company
CAG–28.
DOCKET# CP98–236, 000, Transcontinental Gas Pipe Line Corporation
OTHER#S CP98–242, 000, Williams Gas Processing-Gulf Coast Gathering Company, L.P.
CAG–29.
DOCKET# CP99–76, 000, Transcontinental Gas Pipe Line Corporation
CAG–30.
DOCKET# CP99–102, 000, Wyoming Interstate Company, LTD.
CAG–31.
OMITTED
CAG–32.
DOCKET# CP99–175, 000, Mississippi Canyon Gas Pipeline, LLC
CAG–33.
OMITTED
CAG–34.
OMITTED
CAG–35.
OMITTED

Hydor Agenda

H–1.
RESERVED

Electric Agenda

E–1.
RESERVED

Oil and Gas Agenda

I.
Pipeline Rate Matters
PR–1.
RESERVED
II.
Pipeline Certificate Matters
PC–1.
OMITTED
PC–2.
DOCKET# RM98–9, 000, Revision of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act
FINAL RULE.
PC–3.
DOCKET# RM98–17, 000, Landowner Notification, Residential Area Designation and Environmental Filing Requirements
NOTICE of PROPOSED RULEMAKING.

David P. Boergers,

Secretary.

[FR Doc. 99–10508 Filed 4–22–99; 1:52 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6331–2]

California State Motor Vehicle Pollution Control Standards; Within the Scope Request; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction of date for submission of written comments.

SUMMARY: This document contains a correction to the notice of opportunity for public hearing and public comment which was published Friday, March 26, 1999 (64 FR 14715). This document clarifies that the deadline date for submission of written comments for the matter noted at 64 FR 14715 is May 10, 1999.

FOR FURTHER INFORMATION CONTACT: David Dickinson, Group Manager, Vehicle Programs and Compliance Division (6405J), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Telephone: (202) 564–9256.

SUPPLEMENTARY INFORMATION: In the initial notice of opportunity for public hearing and written comment (64 FR 14715), EPA published two different dates for when the close of the written comment period would occur. Under the **DATES** section EPA listed May 10, 1999 for the deadline by which any party may submit written comment. Under the ''PROCEDURES FOR PUBLIC PARTICIPATION'' section EPA listed May 24, 1999 for the deadline by which any party may submit written comment. Therefore, this document clarifies the notice of opportunity for pubic hearing and written comment (64 FR 14715) so that the date by which all written comments must be submitted is May 10, 1999.

Dated: April 19, 1999.

Robert A. Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99–10413 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6331–3]

National Advisory Council for Environmental Policy and Technology: Full Council Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Cancellation of notice of public meeting.

SUMMARY: This is a cancellation notice for the April 28–29, 1999 meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues. The meeting was being held to formally present reports and recommendations to EPA and to discuss future activities and projects of NACEPT.

DATES: The public meeting was to be held on Wednesday, April 28, 1999 from 1:00 p.m. to 5:30 p.m., and Thursday, April 29, 1999 from 8:30 a.m. to 3:00 p.m. On both days, the meeting was to be held at the Ramada Plaza Hotel, 901 Fairfax Street, Alexandria, Virginia. This meeting was open to the public.

ADDRESSES: Written comments should be sent to Joseph A. Sierra, Designated Federal Officer, NACEPT, U.S. EPA, Office of Cooperative Environmental Management (1601–F), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sierra at the address shown above and 202–260–9741; Fax 202–260–6882.

Dated: April 20, 1999.

Gordon Schisler,

Deputy Director, Office of Cooperative, Environmental Management.

[FR Doc. 99–10414 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–871; FRL–6074–8]

Notice of Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by the docket control number PF–871, must be received on or before May 26, 1999.

ADDRESSES: By mail submit written comments to: Information and Records Integrity Branch, Public Information and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Susanne Cerrelli, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 912, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 308–8077; e-mail: cerrelli.susanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF–871] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number (PF–871) and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 12, 1999,

Janet L. Andersen,

Director, Biopesticide and Pollution Prevention Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the views of the petitioner. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

AgraQuest,Inc.

PP 8F5032

EPA has received a pesticide petition 8F5032 from AgraQuest, Inc., 1105 Kennedy Place, Davis, California 95616, proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the microbial pesticide *Bacillus subtilis* QST 713 strain in or on all raw agricultural commodities (RAC).

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, AgraQuest, Inc. has submitted the following summary of information, data, and arguments in support of their pesticide petition. This summary was prepared by AgraQuest, Inc. and EPA has not fully evaluated the merits of the pesticide petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner.

A. Product Name and Proposed Use Practices

Serenade™ WP is being submitted for use as a biofungicide on the following crop groupings:

Curcurbits; Grapes; Hops; Leafy Vegetables (except Brassica); Mushrooms; Peanuts; Peppers; Pome Fruits; Potatoes; Stone Fruits; Strawberries; Tomatoes; Tree Nuts (almonds and pistachios)

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues.* Serenade™ contains the QST 713 strain of dried *Bacillus subtilis* as the active ingredient. QST 713 Technical is used to formulate Serenade™ WP.

2. *Magnitude of residue at the time of harvest and method used to determine the residue.* Since *Bacillus subtilis* is a ubiquitous organism, it is commonly recovered from soil, water and decomposing plant residue. It is found at population levels of 10^{+6} to 10^{+7} per gram of soil (EPA Risk Assessment of Bacillus subtilis, February, 1997).

3. *A statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed.* As formulated in Serenade™ WP, *Bacillus subtilis* will be delivered at $1.0 \times 10^{+6}$ per gram of Serenade™ WP. Therefore, analysis for the organism from use of Serenade™ WP would not be specific and is therefore, not necessary.

C. Mammalian Toxicological Profile

1. *Acute toxicity*—i. Serenade™ WP has been evaluated in an Acute Oral study in male and female Sprague-Dawley Crl:CD (SD)BR rats. No treatment related effects in body weight (bwt) or body weight gain was noted. No clinical signs were noted during the study. Necropsy findings were normal for all male and female rats. The results of this study indicated that the estimated acute oral LD_{50} was greater than 5,000 milligram kilogram (mg/kg).

ii. Serenade™ WP was evaluated as a single dermal dose of 2,000 mg/kg in an acute dermal study in male and female New Zealand White rabbits. There was

no mortality observed during the study. Erythema, edema, necrosis, fissuring and/or sloughing of the skin at the application site was noted in all animals. All treated animals exhibited increases in bwt. There were no visible lesions noted in any animal at terminal necropsy. The dermal LD_{50} was estimated to be greater than 2,000 mg/kg.

iii. Serenade™ WP was evaluated in a 4-hour, whole body, acute inhalation study in male and female Sprague-Dawley rats. The maximum concentration (MC) which could be aerosolized was 0.63 milligrams per liter (mg/L), which gave a median aerodynamic particle size of less than 0.4 . No mortality was noted during the study. Some of the clinical abnormalities noted in one or more animals were transient incidences of salvation, breathing abnormalities, decreased activity, wobbly gait, apparent hypothermia, hunched posture, decreased defecation, urine stain, decreased food consumption, and dark material around the facial area. Bwt loss was noted for three female rats (one during the 0-7 day interval, and two during the 7-14 day interval). However, this was a slight bwt loss and was not considered to be biologically significant. No significant gross findings were observed at necropsy. The acute inhalation LC_{50} was estimated to be greater than 0.63 mg/L.

iv. Administration of Serenade™ WP to the eye of New Zealand white rabbits, in a Primary Eye Irritation study, resulted in irritation of the conjunctivae (redness, chemosis, and/or discharge) in all treated animals within 1-hour post-dose. All scores returned to normal by 72 hours post-dose. Therefore, Serenade™ WP is considered to be a mild irritant.

v. In a Primary Dermal Irritation study using New Zealand White rabbits, Serenade™ WP, after a 4-hour exposure, resulted in very slight edema and/or very slight erythema. No other dermal signs were observed. Therefore, Serenade™ WP is considered to be a very slight irritant after 4-hours of exposure.

vi. Serenade™ WP was evaluated in a standard Hypersensitivity study (Buehler) in Guinea Pigs, using Serenade™ WP as received (without any dilution). There were no signs of systemic toxicity in any dose group, and all animals gained weight during the study. Under the conditions of this study, Serenade™ WP elicited a delayed mild contact hypersensitivity response in guinea pigs when challenged and rechallenged at 100%.

vii. The active ingredient in Serenade™ WP, *Bacillus subtilis*, QST 713 strain, has been evaluated in several pathogenicity studies (acute oral, intravenous, and intratracheal). In the acute oral pathogenicity study there were no deaths noted during the study and necropsy findings were normal for all rats. There was no evidence of pathogenicity or toxicity related to treatment. In the intravenous study in rats, no deaths occurred during the study. There were no treatment related effects noted. The organism was found to significantly clear the body within 35 days. No evidence of toxicity or pathogenicity related to treatment was noted during the course of the study. In the intratracheal study in rats, there was no evidence of toxicity or pathogenicity related to treatment noted during the course of the study.

D. Aggregate Exposure

1. *Dietary exposure*—i. *Food*. Due to the ubiquitous nature of the organism, the concentrations of the organism that already exists in the environment, and the fact that food is already in contact with the organism, the likelihood of increased risk to humans or animals from the use of Serenade™ WP is low.

ii. *Drinking water*. Similarly, exposure to humans from residues of Serenade™ WP in consuming drinking water would be low. The organism is already present in this medium.

2. *Non-dietary exposure*. Exposure to *Bacillus subtilis* in the manufacturing plant (fermentation facility) will be minimal due to rigorous GMP's and quality controls put in place to minimize contamination, cross contamination, and exposure to the workers, and also due to protective equipment worn by manufacturing plant workers. Therefore, inadvertent releases in the workplace would not be expected to increase the risk, especially since high levels of the organism already exist in this environment.

The EPA Risk Assessment of Bacillus subtilis (February, 1997) concludes that ''human health and environmental hazards of *Bacillus subtilis* are low'' and ''the number of microorganisms released from the fermentation facility is low''.

E. Cumulative Exposure

Exposure to *Bacillus subtilis* in the manufacturing plant (fermentation facility) will be minimal due to rigorous GMP's and quality controls put in place to minimize contamination, cross contamination, and exposure to the workers, and also due to protective equipment worn by manufacturing plant workers. Therefore, inadvertent releases in the workplace would not be expected to increase the risk, especially since high levels of the organism already exist in this environment. The EPA Risk Assessment of *Bacillus subtilis* (February, 1997) concludes that ''human health and environmental hazards of *Bacillus subtilis* are low'' and ''the number of microorganisms released from the fermentation facility is low''.

F. Safety Determination

1. *United States population. Bacillus subtilis* is not pathogenic and pathogenicity data indicate that the organism clears the body significantly within 35 days. Therefore, there would be no increased risk to humans from the expected use of Serenade™ WP.

Serenade™ WP is produced under strict quality controls. The active ingredient is routinely screened for contaminants, including human pathogens. Fermentation raw materials are sterilized before use to eliminate potential contaminants. Antimicrobial agents are included in the formulation to reduce/eliminate any potential contaminants.

2. *Infants and children*. Since *Bacillus subtilis* is ubiquitous, not pathogenic, causes no human disease, and is considered to be of low risk by the United States EPA, it is unlikely that any harmful effects on children or infants would be expected.

G. Effects on the Immune and Endocrine Systems

Bacillus subtilis is a naturally occurring, non-pathogenic organism which has fungicidal properties. There is no indication that this organism has ever or will ever produce any adverse effect on the human immune or endocrine system. It can be concluded that based upon the existing toxicology, which indicates minimal effects, that there would be no adverse effects on the immune or endocrine systems from the use of Serenade™.

H. Existing Tolerances

Bacillus subtilis GB03 and MBI600 are exempted from the requirements of a tolerance in or on all agricultural commodities when applied as a seed treatment on seeds used for growing crops in accordance with good agricultural practices.

[FR Doc. 99–10391 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42205C; FRL–6052–4]

RIN 2070–AD28

Methyl Isobutyl Ketone; Final Enforceable Consent Agreement and Testing Consent Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 4 of the Toxic Substances Control Act (TSCA), EPA has issued a testing consent order (Order) that incorporates an enforceable consent agreement (ECA) with Eastman Chemical Company, Celanese, Ltd., Shell Chemical Company, and Union Carbide Corporation (the ''Companies''). The Companies have agreed to perform reproductive toxicity testing on methyl isobutyl ketone (MIBK). This notice announces the ECA and Order for MIBK and summarizes the terms of the ECA.

DATES: The effective date of the ECA and Order is April 26, 1999.

FOR FURTHER INFORMATION CONTACT: *For general information*: Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. ET–541, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 554–1404; TDD: (202) 554–0551; e-mail address: TSCA-Hotline@epa.gov.

For technical information: John E. Schaeffer, Jr., Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 260–1266; fax: (202) 260–1096; e-mail address: schaeffer.john@epa.gov.

SUPPLEMENTARY INFORMATION: This notice announces the ECA and Order for MIBK and summarizes the terms of the ECA.

I. General Information

A. Does This Notice Apply To Me?

The ECA and Order announced in this notice only affect those companies that signed the ECA for MIBK (Eastman Chemical Company, Celanese, Ltd., Shell Chemical Company, and Union Carbide Corporation). However, as a result of the ECA and Order, EPA has initiated a rulemaking under TSCA section 12(b)(1) which, when finalized, will require all persons who export or intend to export MIBK to comply with the Agency's export notification regulations at 40 CFR 707, subpart D (see 63 FR 54649 (FRL–6023–9), October 13, 1998).

B. How Can I Get Additional Information, Including Copies of This Document and Other Documents for This Notice?

1. *Electronically*. You may obtain electronic copies of this document and other documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page, select ''Laws and Regulations'' and then look up the entry for this document under ''**Federal Register**—Environmental Documents'' (http://www.epa.gov/fedrgstr/EPA-TOX/1999/).

2. *In person or by telephone*. If you have any questions or need additional information about this action, you may contact the project manager identified in the FOR FURTHER INFORMATION CONTACT section. In addition, the official record for this notice, including the public version, has been established under docket control number OPPTS–42205B. The public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in the TSCA Nonconfidential Information Center, EPA, Rm. NE–B607, Waterside Mall, 401 M St., SW., Washington, DC, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

II. Background

A. What Is MIBK?

As described in the findings document in support of the proposed rule requiring health effects testing for a number of hazardous air pollutants (''HAPs'' or ''HAPs chemicals''), including MIBK (Ref. 1), MIBK is an important chemical solvent for vinyl, epoxy acrylic, and natural resins and for nitrocellulose and dyes. It is also used as an extraction solvent. Its solvent uses break out as follows: Surface coatings (66%); process solvent for pharmaceuticals, adhesives, and pesticides (15%); chemical production, including rubber-processing chemicals (15%); and miscellaneous (4%). Approximately 467,000 workers may be exposed to MIBK. The Chemical Abstract Service (CAS) registry number for MIBK is 108–10–1.

B. Why Is EPA Requiring Health Effects Testing on MIBK?

EPA has proposed health effects testing under TSCA section 4(a) for a number of HAPs chemicals, including MIBK (61 FR 33178, June 26, 1996 (FRL–4869–1), as amended by 62 FR 67466, December 24, 1997 (FRL–5742–2) and 63 FR 19694, April 21, 1998 (FRL–5780–6). In the HAPs proposal, the Agency made preliminary findings for MIBK (61 FR 33178, 33190, 33192; Ref. 1) that:

1. This chemical substance may present an unreasonable risk of injury to human health;

2. There is substantial production and environmental release of MIBK and there is or may be substantial human exposure to the chemical;

3. There are inadequate data to determine the effects of activities involving MIBK; and

4. Testing is necessary to develop health effects data. The HAPs rule proposed testing MIBK for acute toxicity, reproductive toxicity and immunotoxicity (61 FR 33178, 33198; 62 FR 67466, 67483).

III. ECA Development and Conclusion

A. How Is EPA Going To Obtain Health Effects Testing on MIBK?

In the proposed HAPs test rule, EPA invited the submission of proposals for pharmacokinetics (PK) studies for the HAPs chemicals, which could provide the scientific basis for alternative testing to the testing proposed and could provide the basis for negotiation of ECAs (61 FR 33178, 33189). EPA uses ECAs to accomplish testing where a consensus exists among EPA, affected manufacturers and/or processors, and interested members of the public concerning the need for and scope of testing (40 CFR 790.1(c)).

On December 24, 1997, in an amendment to the proposed HAPs test rule (62 FR 67466, 67474), EPA again provided the opportunity for the submission of ECA proposals for alternative testing of HAPs that could fulfill certain or all of the testing needs described in the proposed test rule, as amended. These ECA proposals did not need to include PK and mechanistic data development as a component of the alternative testing proposal. The procedures for ECA negotiations are described at 40 CFR 790.22(b).

In response to EPA's request for proposals for ECAs, the Chemical Manufacturers Association (CMA) Ketones Panel submitted a proposal for a testing program on December 11, 1996, as revised by their submission of March 30, 1998 (Refs. 2 and 3). EPA responded to this proposal in May 1998 (Ref. 4), indicating that this approach offered sufficient merit to proceed with ECA negotiations. Consequently, EPA

published a document soliciting interested parties to monitor or participate in these negotiations (63 FR 32656, June 15, 1998 (FRL–5798–3)).

EPA held a public meeting to negotiate an ECA for MIBK on July 16, 1998. Representatives of the Companies and other interested parties attended this meeting. The participants reached consensus on the testing to be required under the ECA. On November 25, 1998, EPA received the ECA signed by the Companies. On April 16, 1999, EPA signed the ECA and accompanying Order.

B. What Testing Does the ECA for MIBK Require?

This ECA requires 2-generation reproductive effects testing by the inhalation route of exposure, as described in Table 1 in this unit. This testing will allow EPA to characterize the potential reproductive health hazards resulting from inhalation exposure to MIBK. Table 1 sets forth the required testing, test standard, and reporting requirements under the ECA for MIBK.

TABLE 1.—REQUIRED TESTING, TEST STANDARD, AND REPORTING REQUIREMENTS FOR MIBK

Required testing	Test standard	Deadline for final report[1] (Months)	Interim reports required[2] (Number)
Reproductive effects testing by inhalation	§ 799.9380 (as modified in Appendix 1 to the ECA)	29	4

[1]Number of months after the effective date of the Order.
[2] Interim reports are required every 6 months from the effective date until the final report is submitted.

C. What Are the Uses for the Test Data for MIBK?

As indicated in the proposed HAPs test rule, EPA would use the data obtained from testing to implement several provisions of section 112 of the Clean Air Act (CAA), including the determination of residual risk, the estimation of the risks associated with accidental releases of chemicals, and determinations whether substances should be removed from the CAA section 112 (b)(1) list of hazardous air pollutants (delisting) (61 FR 33178, 33179). The data also would be used by other Federal agencies (e.g., the Agency for Toxic Substances and Disease Registry (ATSDR), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC)) in assessing chemical risks and in taking appropriate actions within their programs (61 FR 33178, 33179).

D. Does the ECA for MIBK Meet All the Testing Requirements for MIBK That Were Contained in the Proposed HAPs Test Rule, As Amended?

In the proposed HAPs test rule, as amended, EPA required testing of MIBK for reproductive toxicity, as well as other health effects (namely acute toxicity, which includes an appraisal of pulmonary irritation, and immunotoxicity). The ECA for MIBK requires testing for reproductive toxicity. The other health effects for which testing is necessary for MIBK will be included in the final HAPs rule.

Testing for reproductive effects for MIBK that was contained in the HAPs proposal, as amended, will not be included in the final HAPs test rule because the Companies will fulfill this testing requirement by implementing the ECA and Order. The issuance of the ECA and Order constitutes final EPA action for purposes of 5 U.S.C. 704.

E. What if EPA Should Require Additional Reproductive Effects Testing on MIBK?

If EPA decides in the future that it requires additional reproductive effects data on MIBK, the Agency will initiate a separate action.

IV. Other Impacts of the ECA for MIBK

The issuance of the ECA and Order under TSCA section 4 subjects the Companies that signed the ECA to export notification requirements under TSCA section 12(b)(1), as set forth at 40 CFR part 707, subpart D, if they export or intend to export MIBK.

On October 13, 1998 (63 FR 54649 (FRL–6023–9)), EPA proposed to amend 40 CFR 799.5000 by adding MIBK to the list of chemicals subject to testing consent orders. The listing of a chemical substance at 40 CFR 799.5000 serves as notification to all persons who export or intend to export the chemical substance that:

1. The chemical substance is the subject of an ECA and Order; and

2. EPA's export notification regulations at 40 CFR part 707, subpart D, apply to those exporters who have signed the ECA, as well as those exporters who have not signed the ECA. 40 CFR 799.19.

When a final rule based on the October 13, 1998, proposed rule is published in the **Federal Register**, all persons who export or who intend to export MIBK will be subject to export notification requirements.

V. Paperwork Reduction Act Notice

The ECA and Order announced in this notice do not contain any information collection requirements that require additional approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* The information collection requirements related to test rules and ECAs issued under TSCA section 4 have already been approved by OMB under OMB control number 2070–0033 (EPA ICR No. 1139). The one-time public burden for this collection of information is estimated to be approximately 7500 hours total, of which the majority are due to laboratory activities as opposed to administration. Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review instructions; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9. EPA will issue a final rule related to export notification requirements for MIBK. That rule will amend the listing at 40 CFR part 799, as well as the table at 40 CFR part 9.

VI. References

1. U.S. EPA. OPPT. ''TSCA Section 4 Findings for 21 Hazardous Air Pollutants: A Supporting Document for Proposed Hazardous Air Pollutants (HAPs) Test Rule.'' (June 25, 1996).

2. The Ketones Panel of the Chemical Manufacturers Association. Letter from Langley A. Spurlock to Charles M. Auer, EPA, with attachment entitled:

''Alternative Testing Proposal for Methyl Isobutyl Ketone.'' Arlington, VA. (December 11, 1996).

3. The Ketones Panel of the Chemical Manufacturers Association. Letter from Courtney M. Price to the U.S. EPA Document Control Office entitled: ''Comments of the Chemical Manufacturers Association Ketones Panel on EPA's Proposed Test Rule for Hazardous Air Pollutants.'' Arlington, VA. (March 30, 1998).

4. U.S. EPA. Letter from Charles M. Auer to Barbara O. Francis, CMA Ketones Panel, re: ECA Proposal for MIBK HAPs Testing. Washington, DC. (May 28, 1998).

List of Subjects

Environmental protection, Hazardous chemicals.

Dated: April 16, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–10390 Filed 4–23–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Being Reviewed by the Federal Communications Commission

April 12, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0801.

Title: Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications (PCS) Licensees.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 750.

Estimated Time per Response: 0.25 hours.

Frequency of Responses: On occasion reporting requirements.

Total Annual Burden: 187.5 hours

Total Annual Costs: None.

Needs and Uses: The Fourth Report and Order, in WT Docket No. 97–82, 47 CFR 1.2105(a)(2)(xi), 24.709(a)(5), requires each applicant for C Block Broadband PCS Spectrum to attach to its short-form application a statement indicating (under penalty of perjury) whether or not the applicant has ever been in default on any FCC licensees or has ever been delinquent on any non-tax debt owed to any Federal agency. This information allows the FCC to determine the amount of the upfront payment to be paid by each applicant and will help ensure that C Block Auctions are conducted fairly and efficiently, thereby speeding the flow of payments to the U.S. Treasury and accelerating the provision of PCS Spectrum to the public.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–10361 Filed 4–23–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 19, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0400.

Title: Tariff Review Plan.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 52.

Estimated Time Per Response: 61 hours (avg.).

Frequency of Response: Annually; biennially; and on occasion reporting requirements.

Total Annual Burden: 3,172 hours.

Total Annual Cost: $0.

Needs and Uses: Certain local exchange carriers are required annually or biennially to submit a Tariff Review Plan in partial fulfillment of cost support material required by 47 CFR Part 61. The information is used by FCC and the public to determine the justness and reasonableness of rates, terms, and conditions in tariffs as required by the Communications Act of 1934, as amended.

OMB Control Number: 3060–0233.

Title: Part 36, Separations.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 3,090.

Estimated Time Per Response: 20.64 hours (avg.).

Frequency of Response: Annually; and on occasion reporting requirements.

Total Annual Burden: 63,800 hours.

Total Annual Cost: $0.

Needs and Uses: Local exchange carriers (LECs) are required to submit data annually to the national Exchange Carrier Association for the filing of access tariffs. State or local telephone companies which want to participate in the federal assistance program must make certain informational showings to demonstrate eligibility. In a Notice of Proposed Rulemaking issued in CC Docket No. 80–286 (released 10/7/97), the Commission sought comment on a proposed rule allowing incumbent LECs to separate joint and common costs on an individual basis, showing that competition exists in the local markets.

OMB Control Number: 3060–0712.

Title: Petition for Declaratory Ruling by the Inmate Calling Services providers Task Force, RM 8181.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 60.

Estimated Time Per Response: 1 hour (avg.).

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 60 hours.

Total Annual Cost: $0.

Needs and Uses: In the Declaratory Ruling issued in RM–8181, the Commission requires that LECs, among other things, notify their customers of the change in status of inmate-only customer premises equipment (CPE). This is necessary to ensure that correctional facility customers are aware of the change in regulatory status of inmate-only payphones.

OMB Control Number: 3060–0725.

Title: Annual Filing of Nondiscrimination Reports (on quality of service, installation, and maintenance) by Bell Operating Companies.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 7.

Estimated Time Per Response: 50 hours (avg.).

Frequency of Response: Annually.

Total Annual Burden: 350 hours.

Total Annual Cost: $0.

Needs and Uses: Bell Operating Companies (BOCs) must submit a nondiscrimination report with regard to payphones. Without this information, the Commission would not be able to ascertain whether the BOCs were providing competing payphone providers with equal access to all the basic underlying network services that are provided to their own payphones.

OMB Control Number: 3060–0737.

Title: Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,000 respondents.

Estimated Time Per Response: 5 hours (avg.).

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 5,000 hours.

Total Annual Cost: $0.

Needs and Uses: 47 CFR 64.1501(b) imposes disclosure requirements on information providers which offer ''presubscribed'' information services. The requirements are intended to ensure that consumers receive information regarding the terms and conditions associated with these services before they enter into a contract to subscribe to them.

OMB Control Number: 3060–0741.

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96–98, Second Report and Order and Memorandum Opinion and Order.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1,350 respondents.

Estimated Time Per Response: 150.3 hours (avg.).

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 202,980 hours.

Total Annual Cost: $0.

Needs and Uses: In the Second Report and Order and Memorandum Opinion and Order issued in CC Docket No. 96–98, the Commission adopted rules and regulations to implement the portions of the Telecommunications Act of 1996 which were enacted to open local telephone markets by eliminating legal and technical barriers to competition. The item addressed provisions related to local exchange carriers' obligations to provide their competitors with dialing parity and nondiscriminatory access to certain services; incumbent local exchange carriers' duty to make network information disclosures; and numbering administration.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–10362 Filed 4–23–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

April 20, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility;

(b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated information techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th St., S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Lesmith at 202–418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0546.

Title: Section 76.59, Modification of Television Market.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 150.

Estimated Time Per Response: 4–40 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 3,300 hours.

Total Annual Costs: $450,750.

Needs and Uses: Written requests to modify a television station's must-carry market may be filed by television stations or cable operators pursuant to Section 76.59 of the Commission's rules. Information furnished in the filings is used by the Commission to determine whether a television station's must-carry market should be modified.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–10363 Filed 4–23–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled ''Notification of Performance of Bank Services.''

DATES: Comments must be submitted on or before June 25, 1999.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room 4058, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to ''Notification of Performance of Bank Services''. Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION: Proposal to renew the following currently approved collection of information:

Title: Notification of Performance of Bank Services.

Form Number: 6120/06.

OMB Number: 3064–0029.

Frequency of Response: Occasional.

Affected Public: Financial institutions with bank services performed by a third party.

Estimated Number of Respondents: 150.

Estimated Time per Response: ½ hour.

Estimated Total Annual Burden: 75 hours.

General Description of Collection: Form 6120/06 is used by insured state nonmember banks to notify the FDIC of the existence of a relationship with a bank service corporation as required by section 7 of the Bank Service Company Act (12 USC 1867).

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 19th day of April, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–10354 Filed 4–23–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the FDIC hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) a request for OMB review and approval of the information collection system described below.

Type of Review: New collection

Title: Deposit Broker Status Survey.

OMB Number: New collection

Annual Burden

Estimated annual number of respondents:—1,200.

Estimated time per response—10 minutes.

Average annual burden hours—200 hours.

Expiration Date of OMB Clearance: New collection.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

FDIC Contact: Tamara R. Manly, (202) 898–7453, Office of the Executive Secretary, Room F–4058, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before [insert date 30 days after date of publication in the **Federal Register**] to both the OMB reviewer and the FDIC contact listed above.

ADDRESSES: Information about this submission, including copies of the proposed collection of information, may be obtained by calling or writing the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The Deposit Broker Status Survey is targeted to deposit brokers who have notified the FDIC of their activity: securities and investment firms, financial institutions, financial planners, insurance agents, etc. The survey is designed to update FDIC records to ensure that brokers are active in the field, purge files of brokers no longer operating, update information on the activities of active brokers and correct addresses and contact information.

Dated: April 19, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–10355 Filed 4–23–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

DATE AND TIME: Thursday, April 29, 1999 at 10:00 a.m.

PLACE: 999 E Street, NW, Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

The following items have been added to the agenda:

Advisory Opinion 1999–6: National Rural Letter Carriers' Association, by Ken Parmelee, Vice President (continued from meeting of April 21, 1999)

Report of the Audit Division on Clinton/Gore '96 Primary Committee, Inc.

Report of the Audit Division on Clinton/Gore '96 General Committee, Inc. and Clinton/Gore '96 General Election Legal and Accounting Compliance Fund

Report of the Audit Division on the Dole for President Committee, Inc. (Primary)

Report of the Audit Division on the Dole/Kemp '96, Inc. and Dole/Kemp Compliance Committee, Inc. (General)

Report of the Audit Division on Kemp for Vice President

PERSON TO CONTACT FOR INFORMATION: Ron Harris, Press Officer, Telephone (202) 694–1220.

Majorie W. Emmons,

Secretary of the Commission.

[FR Doc. 99–10482 Filed 4–22–99; 11:46 am]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1269–DR]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–1269–DR), dated April 9, 1999, and related determinations.

EFFECTIVE DATE: April 9, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 9, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Louisiana, resulting from severe storms, tornadoes and flooding on April 3–7, 1999, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Robert E. Hendrix of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Louisiana to have been affected adversely by this declared major disaster:

Bossier Parish for Public Assistance.

All parishes within the State of Louisiana are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 99–10397 Filed 4–23–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1269–DR]

Louisiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA–1269–DR), dated April 9, 1999, and related determinations.

EFFECTIVE DATE: April 16, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 9, 1999:

Claiborne Parish for Individual Assistance (already designated for Public Assistance).

De Soto Parish for Individual Assistance.

Webster Parish for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–10398 Filed 4–23–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Applicability of Hotel and Motel Fire Safety Act to Colleges and Universities

AGENCY: U.S. Fire Administration (FEMA).

ACTION: Notice.

SUMMARY: We (FEMA) give notice of the applicability of the Hotel and Motel Fire Safety Act to colleges and universities. Colleges and universities that hold meetings, conferences, seminars and other activities sponsored or funded in whole or part by Federal monies must comply with the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act, including installation of smoke detectors, and sprinkler systems where applicable.

FOR FURTHER INFORMATION CONTACT: John Ottoson, Project Officer, Hotel and Motel Fire Safety, USFA, 16825 S. Seton Avenue, Emmitsburg, MD 21727. Inquiries may also be made by telephone (301) 447–1272, by facsimile (301) 447–1102, or by email: john.ottoson@fema.gov.

SUPPLEMENTARY INFORMATION:

Policy

Colleges and universities that hold meetings, conferences, seminars and other activities sponsored or funded in whole or part by Federal monies must comply with the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act, including installation of fire and smoke detectors, and sprinkler systems where applicable.

Background

The Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. 2225a *et seq.*, set standards for fire prevention and control in places of public accommodation affecting commerce. The Act requires federal employees on travel to stay in public accommodations that adhere to the life safety requirements in the legislation guidelines. The Act also states that federally funded meetings and conferences cannot be held in properties that do not comply with the law. These requirements include installation of hard-wired, single station smoke detectors in each guest room of each place of public accommodation, and an automatic sprinkler system in each place of public accommodation that is more than three stories in height. Properties three stories or lower in height are exempt from the sprinkler requirement.

The Act further requires each State to submit to the Director of the Federal Emergency Management Agency (FEMA) a list of places of public accommodation in the State that comply with the Act's fire safety standards. FEMA compiles, maintains, and publishes a National Master List of Fire Safe Hotels and Motels on the Internet at *http://www.fema.gov/hotel.* Under the Act a property is in compliance when it is included in the National Master List.

We list facilities when their owners or proprietors certify that they meet the requirements of the Act and send the certificate to the State Project Officer in the jurisdiction where the facility is located. When the State Project Officer approves, we add the name of the facility to the list. You can obtain forms for certification and a list of State Project Officers from Project Officer John Ottoson. (See **FOR FURTHER INFORMATION CONTACT**, above).

Applicability to Colleges and Universities

We asked the General Counsel of FEMA whether colleges and universities that hold meetings, conferences, seminars and other activities sponsored or funded in whole or part by Federal monies must comply with the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act, including installation of fire and smoke detectors, and sprinkler systems where applicable. In a formal opinion the General Counsel determined that the Act applies to those circumstances.

Provisions From the Hotel and Motel Fire Safety Act

Section 6(a) of the Hotel and Motel Fire Safety Act, 15 U.S.C. 2225a provides: ''no Federal funds may be used to sponsor or fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 2225 of this title.''

A ''place of public accommodation'' or ''place of public accommodation affecting commerce'' is defined in 15 U.S.C. 2203(7) as: ''any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment.''

Facilities Included

The facilities would include any dormitories or other college- or university-owned buildings used to house and serve attendees at the meeting, conference, seminar, or other activity that is funded in whole or in part by Federal funds. If the college or university elects to hold such activities without Federal funding or sponsorship, the requirement of the Act would not apply. However, if the Master List does not include the facilities in accordance with the Act, the Act encourages Federal agencies not to have their employees attend or stay in such facilities.

Exceptions

The only exceptions are for: (1) facilities owned by the Federal Government; (2) facilities treated as an apartment building for purposes of any State or local law or regulation; or (3) buildings that contain not more than 5 rooms for rent or hire and are occupied as a residence by the proprietor. Neither the Act nor any part of the legislative history makes any exception to this requirement for colleges and universities.

Dated: April 19, 1999.

Carrye B. Brown,

United States Fire Administrator.

[FR Doc. 99–10395 Filed 4–23–99; 8:45 am]

BILLING CODE 6718–08–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting of the Federal Interagency Committee on Emergency Medical Services (FICEMS)

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of open meeting.

SUMMARY: FEMA announces the following open meeting.

NAME: Federal Interagency Committee on Emergency Medical Services (FICEMS).

DATE OF MEETING: June 3, 1999.

PLACE: Room N–309, Building N, National Emergency Training Center (NETC), 16825 South Seton Avenue in Emmitsburg, Maryland 21727.

TIME: 10:00 a.m.

PROPOSED AGENDA: Review and submission for approval of previous FICEMS Committee Meeting Minutes: Ambulance Design Subcommittee and Technology Subcommittee Reports; presentation of member agency reports; reports of other Interested parties; and a presentation regarding the proposed American Standards on Testing and Materials Standard on Ambulance Equipment.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact William Troup, United States Fire Administration, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, (301) 447–1231, on or before Tuesday, June 1, 1999.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on September 2, 1999.

Carrye B. Brown,

U.S. Fire Administrator.

[FR Doc. 99–10394 Filed 4–23–99; 8:45 am]

BILLING CODE 6718–08–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Appraisal Subcommittee; Notice of Intent To Request Clearance for Extension of Collection of Information; Opportunity for Public Comment

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice of intent to request clearance for extension of a currently approved collection of information and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (''ASC'') is soliciting comments on the need for the collection of information contained in 12 CFR Part 1102, Subpart B, Rules of Practice for Proceedings. The ASC also requests comments on the practical utility of the collection of information; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

DATES: Comments on this information collection must be received on or before June 25, 1999.

ADDRESSES: Send comments to Ben Henson, Executive Director, Appraisal Subcommittee, 2000 K Street, NW., Suite 310, Washington, DC 20006.

FOR FURTHER INFORMATION CONTRACT: Marc L. Weinberg, General Counsel, Appraisal Subcommittee, at 2000 K Street, NW, Suite 310, Washington, DC 20006 or 202–872–7520.

SUPPLEMENTARY INFORMATION:

Title: 12 CFR part 1102, Subpart B; Rules of Practice for Proceedings.

ASC Form Number: None.

OMB Number: 3139–0005.

Expiration Date: To be requested.

Type of Request: Extension of currently approved collection of information.

Description of Need: The information is used by the ASC in determining whether the ASC should initiate a non-recognition proceeding or ''take further action'' against a State appraisal regulatory agency (''State agency'') and other persons under § 1118 of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3337). The collection of information also sets out detailed procedures for such actions.

Automated Data Collection: None.

Description of Respondents: State, local or tribal government.

Estimated Average Number of Respondents: 2 respondents.

Estimated Average Number of Responses: Each respondent will be required to respond throughout the single proceeding initiated under 12 CFR Part 1102, Subpart.

Estimated Average Burden Hours Per Response: 60 hours each proceeding.

Estimated Annual Reporting Burden: 120 hours.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Dated: April 20, 1999.

Marc L. Weinberg,

Acting Executive Director & General Counsel.

[FR Doc. 99–10404 Filed 4–23–99; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL APPRAISAL SUBCOMMITTEE

60-Day Notice of Intent To Request Clearance for Extension of Collection of Information; Opportunity for Public Comment

AGENCY: Appraisal Subcommittee, Federal Financial institutions Examination Council.

ACTION: Notice of intent to request clearance for extension of a currently approved collection of information and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Recordkeeping Requirements, the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (''ASC'') is soliciting comments on the need for the collection of information contained in 12 CFR Part 1102, Subpart C, Rules Pertaining to the Privacy of individuals and Systems of Records Maintained by the Appraisal Subcommittee. The ASC also requests comments on the practical utility of the collection of information; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

DATES: Comments on this information collection must be received on or before June 25, 1999.

ADDRESSES: Send comments to Ben Henson, Executive Director, Appraisal Subcommittee, 2000 K Street, N.W., Suite 310, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Marc L. Weinberg, General Counsel, Appraisal Subcommittee, at 2000 K Street, N.W., Suite 310, Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

Title: 12 CFR part 1102, subpart C; Rules Pertaining to the Privacy of

Individuals and Systems of Records Maintained by the Appraisal Subcommittee.

ASC Form Number: None.

OMB Number: 3139–0004.

Expiration Date: To be requested.

Type of Request: Extension of currently approved collection of information.

Description of Need: The information is used by the ASC and its staff in determining whether to grant to an individual access to records pertaining to that individual and whether to amend or correct ASC records pertaining to that individual under the Privacy Act of 1974 (5 U.S.C. 552a).

Automated Data Collection: None.

Description of Respondents: Individuals and households.

Estimated Average Number of Respondents: 50 respondents.

Estimated Average Number of Responses: 50. Once per respondent.

Estimated Average Burden Hours Per Response: .33 hours.

Estimated Annual Reporting Burden: 16.67 hours.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Dated: April 20, 1999.

Marc L. Weinberg,

Acting Executive Director & General Counsel.

[FR Doc. 99–10405 Filed 4–23–99; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL MARITIME COMMISSION

Notice of Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to the Office of Management and Budget (OMB) for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.), as amended. Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Edward P. Walsh, Managing Director, Federal Maritime Commission, 800 N. Capitol Street, N.W., Washington, D.C. 20573–0001, telephone number (202) 523–5800. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Office for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review 46 CFR Part 540 and Related Application Form FMC–131

FMC requests an extension of clearance for 46 CFR part 540 which implements sections 2 and 3 of Public Law 89–777 (46 U.S.C. 817(d) and (e)) and related application Form FMC–131. P.L. 89–777 requires vessel owners, charterers, and operators of passenger vessels having 50 or more berth or stateroom accommodations and embarking passengers at United States ports and territories to establish their financial responsibility to meet liability incurred for death or injury and to indemnify passengers in the event of nonperformance of a voyage or cruise. The Commission estimates an annual respondent universe of 60 cruise line operators who possess Certificates (Performance and Casualty) for 150 vessels. Total estimated respondent burden is 1888 manhours: 1600 manhours for complying with the regulation and 288 manhours for completion of the form. Total cost to the Federal Government is estimated at $177,000; total cost to respondents is estimated at $110,000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–10421 Filed 4–23–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202–000050–068.

Title: United States/Australia New Zealand Association.

Parties: Columbus Line P&O Nedlloyd Limited Australia-New Zealand Direct Line.

Synopsis: The parties are revising the agreement's independent action and service contract provisions consistent with the requirements of the Ocean Shipping Reform Act of 1998. The parties request expedited review.

Agreement No.: 202–011375–0048.

Title: Trans-Atlantic Conference Agreement (''TACA'').

Parties: A.P. Moller-Maersk Line, Atlantic Container Line AB, Hapag Lloyd Container Line GmbH, Mediterranean Shipping Co., S.A., Nippon Yusen Kaisha, Orient Overseas Container Line (UK) Ltd., P&O Nedlloyd Limited, Sea-Land Service, Inc.

Synopsis: The proposed Amendment reduces the independent action notice period applicable to ocean port/port rates and U.S. inland portions of through intermodal rates from three business days to one business day.

Agreement No.: 202–011407–004.

Title: Australia/United States ContainerLine Association.

Parties: Columbus Line, P&O Nedlloyd Limited, Australia-New Zealand Direct Line.

Synopsis: The proposed amendment would revise Agreement provisions related to independent action and service contracts to conform to the provisions of the Ocean Shipping Reform Act of 1988. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: April 21, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–10420 Filed 4–23–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Primeship Agencies, Inc. d/b/a Primeship, 80 St. Michael Street, Suite 201, Mobile, AL 36602, Officers: Victor A. Lopez-Lindo, President, Beatriz E. Lopez-Lindo, Secretary.

KSG Exports, Inc. d/b/a KSG International, Forwarding Consultants, 290 N.E. 95th Street, Miami Shores, FL 33138, Officers: Stephen K. Gonzales, President, Lisette M. Reid, Secretary.

Dated: April 21, 1999.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–10353 Filed 4–23–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 99–07]

A.P. Moller-Maersk Line, Possible Violations of Sections 10(b)(1), 10(b)(2), and 10(b)(4) of the Shipping Act of 1984; Order of Investigation and Hearing

A.P. Moller-Maersk Line (''Maersk'') is a vessel-operating common carrier headquartered in Copenhagen, Denmark. In the United States, Maersk operates through Maersk, Inc., a wholly owned subsidiary. Maersk offers worldwide container services with approximately 70 vessels and offices in approximately 70 countries. As relevant here, Maersk provides regular liner service between the United States and South America and between the United States and points throughout the Far East and Asia.

Based on evidence available to the Commission, it appears that during the period from 1996 to 1998, Maersk was involved in malpractice activities both in the South American as well as the Pacific Trades. In particular, it appears that in the South American Trades, Maersk paid rebates and made other freight concessions to several persons, including Non-Vessel-Operating Common Carriers (''NVOCCs''). It appears that Maersk engaged in such malpractices on hundreds of shipments over a significant period of time. In the Pacific Trades, it appears that Maersk collaborated with persons, including NVOCCs, in arrangements involving commodity and measurement misdescriptions thereby allowing those entities to obtain very substantial freight savings to which they were not entitled, in many instances, by misuse of rules and practices relating to equipment substitution.

Section 10(b)(1) of the 1984 Act, 46 U.S.C. app. 1709(b)(1), prohibits a common carrier from charging, collecting or receiving greater, less or different compensation for the transportation of property than the rates and charges set forth in its tariffs or service contracts. Section 10(b)(2) of the 1984 Act, 46 U.S.C. app. 1709(b)(2), provides that no common carrier may rebate, refund or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs or service contracts. Section 10(b)(4) of the 1984 Act, 46 U.S.C. app. 1709(b)(4), prohibits any common carrier from allowing any person by means of false billings, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable.

Under section 13 of 1984 Act, 46 U.S.C. app. 1712, a person is subject to a civil penalty of not more than $25,000 for each violation knowingly and willfully committed, and not more than $5,000 for other violations.[1] Section 13 further provides that a common carrier's tariffs may be suspended for violations of sections 10(b)(1), 10(b)(2) or 10(b)(4) for a period not to exceed one year.

Now therefore, it is Ordered, That pursuant to sections 10, 11 and 13 of the 1984 Act, 46 U.S.C. app 1709, 1710, and 1712, an investigation is instituted to determine:

(1) Whether Maersk violated section 10(b)(1) of the 1984 Act by charging , demanding, collecting or receiving less or different compensation for the transportation of property than the rates and charges shown in its tariffs or service contracts;

(2) Whether Maersk violated section 10(b)(2) of the 1984 Act by rebating, refunding or remitting a portion of its tariff or service contract rates;

(3) Whether Maersk violated section 10(b)(4) of the 1984 Act by allowing persons to obtain transportation at less than the rates and charges otherwise applicable by an unjust or unfair device or means;

(4) Whether, in the event violations of sections 10(b)(1), 10(b)(2) or 10(b)(4) of the 1984 Act are found, civil penalties should be assessed against Maersk and, if so, the amount of penalties to be assessed;

(5) Whether, in the event violations of sections 10(b)(1), 10(b)(2) or 10(b)(4) of the 1984 Act are found, the tariff(s) of Maersk should be suspended;

(6) Whether, in the event violations are found, an appropriate cease and desist order should be issued.

It is further ordered, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only after consideration has been given by the parties and the Presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is Further Ordered, That A.P. Moller-Maersk Line is designated Respondent in this proceeding;

It is Further Ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is Further Ordered, That notice of this Order be published in the **Federal Register**, and a copy be served on parties of record;

It is Further Ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is Further Ordered, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

It is Further Ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 or the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record; and

It is Further Ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by April 20, 2000, and the final decision of the Commission shall be issued by August 18, 2000.

By the Commission.

Bryant L. VanBrakle,

Secrtary.

[FR Doc. 99–10351 Filed 4–23–99; 8:45 am]

BILLING CODE 6730–01–M

[1] These penalties are increased 10 percent for any violations occurring after November 7, 1996. *See, Inflation Adjustment of Civil Penalties*, 61 Fed. Reg. 52704 (October 8, 1996).

FEDERAL MARITIME COMMISSION

[Docket No. 99–06]

Direct Container Line Inc. and Owen Glenn, Possible Violations of Section 10(a)(1) of the Shipping Act of 1984; Order of Investigation and Hearing

Respondent Direct Container Line Inc. (''DCL'') is a tariffed and bonded non-vessel-operating common carrier (''NVOCC'') based in Carson, California, DCL holds out to furnish transportation services worldwide, including NOVOCC services, *inter alia,* from ports and points in the United States to ports and points in South America. According to DCL's webpage, DCL operates 13 offices and 25 receiving terminals in the United States and Canada, with branches or subsidiaries in 86 countries worldwide. DCL claims to have over 500 employees, with over 350 based in the United States.

Respondent Owen Glenn is Chairman and Chief Executive Officer of DCL. Mr. Glenn is a resident of California.

It appears that subsequent to October 1994, DCL, by receiving rebates and other freight rate concessions, knowingly and willfully obtained transportation for less than applicable tariff or service contract rates from one or more ocean common carriers providing service to Chile, Peru and destinations on the East Coast of South America. The receipt of these alleged rebates appears to have been arranged by DCL's principal, Owen Glenn.

Now therefore, it is ordered, That pursuant to sections 10, 11, 13 and 23 of the 1984 Act (''1984 Act''), 46 U.S.C. app. 1709, 1710, 1712 and 1721, an investigation is instituted to determine:

(1) Whether Direct Container Line, Inc., either alone or in conjunction with other persons, violated section 10(a)(1) of the 1984 Act by obtaining or attempting to obtain ocean transportation of property at less than the rates and charges shown in applicable tariffs or service contracts;

(2) Whether Owen Glen, either alone or in conjunction with other persons, violates section 10(a)(1) of the 1984 Act by obtaining or attempting to obtain ocean transportation of property at less than the rates and charges shown in applicable tariffs or service contracts;

(3) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, civil penalties should be assessed against DCL and Owen Glenn and, if so, the amount of such penalties;

(4) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, the Commission should cancel or suspend any or all tariffs of DCL or revoke any Commission issued license authorizing DCL to operate as an Ocean Transportation Intermediary; and

(5) Whether, in the event violations of section 10(a)(1) of the 1984 Act are found, an appropriate cease and desist order should be issued.

It is further ordered, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only after consideration has been given by the parties and the Presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That Direct Container Line Inc. and Owen Glenn are designated as Respondents in this proceeding;

It is further ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served on parties or record;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of any hearing or prehearing conference, shall be served on parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record; and

It is further ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the initial decision of the Administrative Law Judge shall be issued by April 20, 2000, and the final decision of the Commission shall be issued by August 18, 2000.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–10352 Filed 4–23–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 21, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Banco Espirito Santo e Comercial; Espirito Santo Financial (Portugal) Sociedade Gestora de Participacoes Sociais, S.A.; Bespar Sociedade Gestora de Participacoes Sociais, S.A., all of Lisbon, Republic of Portugal, and E.S. Control Holding S.A.; Espirito Santo Financial Group, S.A.; E.S. International

Holding S.A., all of Luxembourg; to become bank holding companies by acquiring 100 percent of the voting shares of Espirito Santo Bank, Miami, Florida.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Frontier Financial Corporation, Everett, Washington; to acquire up to 20 percent of the voting shares of AEA Bancshares, Inc., Seattle, Washington, and thereby indirectly acquire Asia Europe Americans Bank, Seattle, Washington.

Board of Governors of the Federal Reserve System, April 21, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–10427 Filed 4–23–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 21, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Old Kent Financial Corporation, Grand Rapids, Michigan; to acquire CFSB Bancorp, Inc., Lansing, Michigan, and thereby indirectly acquire Community First Bank, Lansing, Michigan; Community First Mortgage Company, Lansing, Michigan; and Capital Consolidated Financial Corporation, Lansing, Michigan, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y; in performing secondary marketing activities for real estate mortgages, pursuant to § 225.28(b)(1) of Regulation Y, and in credit life insurance activities, pursuant to § 225.28(b)(11)(i)(A) of Regulation Y.

Board of Governors of the Federal Reserve System, April 21, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–10426 Filed 4–23–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science

Withdrawal of Standing Announcement of Opportunities for Research on Adolescent Family Life; Investigator-Initiated Research Grants and New Investigator Research Awards

AGENCY: Office of Adolescent Pregnancy Programs, Office of Population Affairs, OPHS, DHHS.

ACTION: Notice—Withdrawal of standing announcement.

SUMMARY: This notice withdraws the standing announcement of opportunities for research on adolescent family life made available through the Office of Adolescent Pregnancy Programs, Office of Population Affairs, OPHS, DHHS. The withdrawal is being done to permit re-evaluation of current program research priorities.

DATES: Effective April 26, 1999.

SUPPLEMENTARY INFORMATION: Section 2008 of Title XX of the Public Health Service Act, 42 U.S.C. 300z–7, authorizes the Secretary of Health and Human Services to make grants and enter into the contracts with public agencies or private organizations of higher education to support research and dissemination activities relating to adolescent premarital sexual relations and adolescent childbearing. This research program is described in the Catalog of Federal Domestic Assistance No. 13.111, Adolescent Family Life Research Grants.

A standing announcement providing detailed information and inviting research applications in six topical areas was published on November 18, 1985. 50 FR 47502. The Office of Population Affairs is reviewing the AFL research priorities and may revise those priorities. Accordingly, the November 18, 1985 standing announcement is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: Eugenia Eckard, (301) 594–6534.

Dated: April 12, 1999.

Denese O. Shervington,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 99–10306 Filed 4–23–99; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science

Withdrawal of Standing Announcement of Opportunities for Research in Family Planning Service Delivery Improvement; Investigator-Initiated Research Grants and New Investigator Research Awards

AGENCY: Office of Family Planning, Office of Population Affairs, OPHS, DHHS.

ACTION: Notice—withdrawl of standing announcement.

SUMMARY: This notice withdraws the standing announcement of opportunities for research in family planning services delivery improvement (SDI) made available through the Office of Family Planning, Office of Population Affairs, OPHS, DHHS. The withdrawal is being done to permit a re-evaluation of current program research priorities.

DATES: Effective April 26, 1999.

SUPPLEMENTARY INFORMATION: Section 1004 of Title X of the Public Health Service Act, 42 U.S.C. 300a–2, authorizes the Secretary of Health and Human Services to make grants and enter into contracts with public or non-profit private entities for projects for research in the biomedical, contraceptive development, behavioral and program implementation fields related to family planning and population. The services delivery research grants are described in the Catalog of Federal Domestic Assistance No. 13.974, Family Planning—Services Delivery Improvement Research Grants.

A standing announcement soliciting applications for services delivery improvement research in ten identified research problem areas was published on November 18, 1985. 50 FR 47506.

The Office of Population Affairs is reviewing the family planning services delivery improvement research priorities and may revise those priorities. Accordingly, the November 18, 1985 standing announcement is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: Eugenia Eckard, (301) 594–6534.

Dated: April 12, 1999.

Denese O. Shervington,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 99–10305 Filed 4–23–99; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Family Preservation and Family Support (FP/FS) Services Implementation Study—State Level Data Collection.

OMB: 0970–0137.

Description: The Omnibus Budget Reconciliation Act of 1993 (OBRA 93) established title IV–B, subpart 2 of the Social Security Act (42 U.S.C. 62–628) to provide funds to states for the development of family preservation and family support programs and services. Subpart 2, Section 435 of OBRA 93 requires the Secretary of HHS to evaluate the effectiveness of programs carried out under the legislation. The Adoption and Safe Families Act of 1997, P.L. 105–89, reauthorized the family preservation and family support programs and services and amended Section 431 [42 U.S.C. 629a] to add two new services: Time-Limited Family Reunification Services and Adoption Promotion and Support Services.

In this second phase of data collection, the five data collection instruments, which were used during the previous phase (1996–1999) will be used. Each instrument is geared toward obtaining information from individuals/agencies who will have a slightly different perspective on the context, planning, and implementation of the legislation. The data collection instruments will seek information on the programs and services funded, the goals of the planning process, populations targeted, reform efforts initiated, the relationship between family preservation, family support and child welfare, staffing and training, information systems.

Data collection on states' planning and implementation experiences will be accomplished through semi-structured interviews with state officials and other key stakeholders who are knowledgeable about child welfare.

Both qualitative and quantitative analyses will be completed to highlight the process states employ to implement the legislation, coordinate with other funding sources, develop new systems, and improve service delivery systems. Data analyses also will focus on the impact of legislative changes on the state implementation of the program and comparisons of state implementation before and after the legislative reauthorization. Information obtained from data analyses will provide feedback to ACF in the determination of future policy guidance and the scope and nature of technical assistance to be provided to states. The information will also provide direct feedback to states concerning successful implementation strategies.

Respondents: State, Local or Tribal Government and Not-for-Profit Institutions.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden house per response	Total burden hours
State Level Data Collection	150	1	.0849	127.40

Estimated Total Annual Burden Hours: 127.40.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 to 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C., 20503, Attn: Ms. Lori Schack.

Dated: April 19, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–10304 Filed 4–23–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0672]

Iatric Corp.; Revocation of U.S. License No. 0416

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 0416) and the product license issued to Iatric Corp. for the manufacture of Allergenic Extracts. In letters to FDA dated June 26 and June 30, 1998, the firm voluntarily requested revocation of its establishment and product licenses. In a letter dated August 28, 1998, FDA informed the firm that the establishment and product licenses were revoked.

DATES: The revocation of the establishment license (U.S. License No. 0416) and the product license became effective August 28, 1998.

FOR FURTHER INFORMATION CONTACT: Astrid L. Szeto, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 0416) and the product license for the manufacture of Allergenic Extracts issued to Iatric Corp., 2330 South Industrial Park Dr., Tempe, AZ 85282.

FDA inspected Iatric Corp. from April 7 through April 11, 1997. The inspection of the facility revealed

serious deviations from applicable Federal regulations and the standards established in the firm's license. The deficiencies noted included, but were not limited to, the following: (1) Failure of each person engaged in the manufacture, processing, packing, or holding of a drug product to have the necessary education, training, and experience to perform that person's assigned functions (21 CFR 211.25(a)); (2) failure to thoroughly investigate any unexplained discrepancy in drug product production and control records or the failure of a batch to meet any of its specifications (21 CFR 211.192); (3) failure to establish separate or defined areas or other control systems for manufacturing and processing operations to prevent contamination or mixups (§ 211.42(c) (21 CFR 211.42(c) and 600.11(a))); (4) failure to establish and follow appropriate written procedures designed to prevent microbiological contamination of drug products purporting to be sterile and to ensure that such procedures include validation of any sterilization processes (21 CFR 211.113(b)); (5) failure to report adverse experience information (21 CFR 600.80(c)); (6) failure to establish laboratory controls that include scientifically sound and appropriate specifications, standards, sampling plans, and test procedures designed to ensure that components, drug product containers, closures, in-process materials, labeling, and drug products conform to appropriate standards of identity, strength, quality, and purity (21 CFR 211.160(b)); (7) failure to provide adequate space for the orderly placement of equipment and materials to prevent mixups between different components, drug product containers, closures, labeling, in-process materials, or drug products, and to prevent contamination (§ 211.42(b)); (8) failure to establish and/or follow written procedures for production and process controls designed to ensure that the drug products have the identity, strength, quality, and purity they purport or are represented to possess and to ensure that such procedures, including any changes, are drafted, reviewed and approved by the appropriate organizational units and reviewed and approved by quality control (21 CFR 211.100); (9) failure to maintain buildings used in the manufacture, processing, packing, or holding of a drug product in a good state of repair (21 CFR 211.58); and (10) failure to demonstrate that adequate ventilation is provided (21 CFR 211.46(a)).

These deficiencies demonstrated the management's failure to exercise control over the establishment in all matters relating to compliance and to ensure that personnel are adequately trained and supervised and have a thorough understanding of the procedures that they perform, as required by 21 CFR 600.10(b) and 211.25. FDA determined that these deficiencies constitute a danger to the public health that warranted suspension under §§ 601.5(b) and 601.6(a) (21 CFR 601.5(b) and 601.6(a)). By letter dated April 25, 1997, to Iatric Corp., FDA suspended the firm's establishment license (U.S. License No. 0416) and product licenses for Coccidioidin U.S.P. and Allergenic Extracts. The letter stated that FDA intended to proceed under § 601.6(b) to revoke the establishment license and the product licenses. By letter dated May 13, 1997, Iatric Corp., voluntarily revoked their product license for Coccidioidin U.S.P. (BioCox). In a letter to FDA dated May 14, 1997, Iatric Corp., requested that the matter of license revocation for Allergenic Extracts be held in abeyance.

In the **Federal Register** of November 14, 1997 (62 FR 61129), FDA announced the voluntary revocation of the product license for the firm for the manufacturer of Coccidioidin, U.S.P (BioCox), which resulted from the same deficiencies noted previously. In a letter to Iatric Corp., dated June 24, 1998, FDA stated that the extensive failure of the firm to maintain control over the manufacturing process of the licensed products; and the continual failure of the firm, after numerous verbal and written promises, to provide an adequate corrective action plan subsequent to the April 25, 1997, suspension letter demonstrated a distinct pattern of noncompliance with those requirements designed to ensure the safety, purity, identity, and quality of licensed product and, therefore, could no longer grant the firm's May 14, 1997, request that the revocation of license be held in abeyance. In the same letter, FDA provided notice to the firm of FDA's intent to initiate proceedings to revoke all establishment and product licenses encompassed under U.S. License No. 0416 issued to Iatric Corp. and to issue a notice of opportunity for hearing under § 601.5(b). In letters dated June 26 and June 30, 1998, Iatric Corp. requested voluntary revocation of U.S. License No. 0416, and thereby waived its opportunity for a hearing.

FDA has placed copies of the letters relevant to the license revocation on file under the docket number found in brackets in the heading of this document with the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. These documents are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under 21 CFR 601.5(a), section 351 of the Public Health Service Act (42 U.S.C. 262), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.68), the establishment license (U.S. License No. 0416) and the product license for the manufacture of Allergenic Extract issued to Iatric Corp., Tempe, AZ 85282, were revoked effective August 28, 1998.

This notice is issued and published under 21 CFR 601.8 and the redelegation at CFR 5.67(c).

Dated: April 12, 1999.

Mark Elengold,

Deputy Director, Operations, Center for Biologics Evaluation and Research.

[FR Doc. 99–10289 Filed 4–23–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99F–0187]

Monsanto Co.; Filing of Food Additive Petition; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of February 8, 1999 (64 FR 6100). The document announced that Monsanto Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of L-Phenylalanine, *N*-[*N*-(3,3-dimethylbutyl)-*L*-α-aspartyl]-,1-methyl ester as a general use sweetener. The name of the additive appeared incorrectly in the **SUMMARY** section. This document corrects that error.

DATES: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3106.

SUPPLEMENTARY INFORMATION: In FR Doc. 99–2851, appearing on page 6100 in the **Federal Register** of Monday, February 8, 1999, the following correction is made:

1. On page 6100, in the first column, under the **SUMMARY** section, in line six, ''L-Phenylalanine,*N*-[*N*-(3,3-dimethylbutyl)-*L*-α-aspartyl]-,1-methyl ester'' is corrected to read ''*N*-[*N*-(3,3-dimethylbutyl)-*L*-α-aspartyl]-*L*-phenylalanine 1-methyl ester''.

Dated: March 30, 1999.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–10292 Filed 4–23–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0924]

Food and Drug Administration Modernization Act of 1997; List of Documents Issued by the Food and Drug Administration That Apply to Medical Devices Regulated by the Center for Biologics Evaluation and Research

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of documents issued in response to the Food and Drug Administration Modernization Act of 1997 (FDAMA), and clarifying their applicability to medical devices regulated by the Center for Biologics Evaluation and Research (CBER). This notice is intended to inform the public of the availability of these documents, clarify their scope of applicability, and to provide instructions on ways to access them.

ADDRESSES: Submit written requests for single copies of the document to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your requests, or fax your request to 301–443–8818. The document may also be obtained by fax by calling the CDRH Facts-on-Demand at 1–800–899–0381 or 301–827–0111. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the documents.

FOR FURTHER INFORMATION CONTACT: Astrid L. Szeto, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

On November 21, 1997, the President signed into law FDAMA (Pub. L. 105–115). CBER is working closely with CDRH in the implementation of the provisions of FDAMA applicable to medical devices. However, early in the implementation of FDAMA, several documents were issued with explicit applicability to CDRH regulated devices, but for which applicability to CBER regulated devices was unclear. To clarify that these documents are also applicable to medical devices regulated by CBER, FDA is providing the public with this list of documents in section II of this document, acknowledging that the documents are utilized by CBER in its review of medical devices, and providing instructions on ways to access them. The documents in this list are applicable to any device regulated under the medical device amendments of the Federal Food, Drug, and Cosmetic Act (e.g., 510(k) exempt, 510(k), premarket approval). CBER has endorsed these documents and intends to follow the procedures as appropriate.

This list is organized by: (1) Guidances, (2) notices, and (3) rulemakings. Guidance documents that do not have a date and cite of publication in the **Federal Register** were issued directly on the Internet. Although certain documents on the list may reference specific organizational elements and contact points in CDRH, this should not be interpreted to mean that those are also the contact points for CBER. The general contact point in CBER for medical device issues will be the Associate Director for Regulatory Affairs in the Office of Blood Research and Review, CBER.

II. Document References

Name of Document	Date of Issuance[1]	Date of Publication in the FEDERAL REGISTER	FEDERAL REGISTER cite
Guidances			
Guidance on IDE Policies and Procedures[2] (Level 2)	January 20, 1998	N/A	N/A
FDA Modernization Act of 1997: Guidance for the Device Industry on Implementation of Highest Priority Provisions	February 6, 1998	February 6, 1998	63 FR 6193
Determination of Intended Use for 510(k) Devices—Guidance for Industry and CDRH Staff	January 30, 1998	February 25, 1998	63 FR 9570
Guidance on the Recognition and Use of Consensus Standards	February 20, 1998	February 25, 1998	63 FR 9561
Early Collaboration Meetings Under the FDA Modernization Act (FDAMA), Guidance for Industry and CDRH Staff	February 19, 1998	February 25, 1998	63 FR 9570
Guidance on PMA Interactive Procedures for Day-100 Meetings and Subsequent Deficiencies—For Use by CDRH and Industry	February 19, 1998	February 25, 1998	63 FR 9570
30-Day Notices and 135-Day PMA Supplements for Manufacturing Method or Process Changes, Guidance for Industry and CDRH	February 19, 1998	February 25, 1998	63 FR 9570
New Section 513(f)(2)—Evaluation of Automatic Class III Designation, Guidance for Industry and CDRH Staff	February 19, 1998	February 25, 1998	63 FR 9570
Procedures for Class II Device Exemptions from Premarket Notification, Guidance for Industry and CDRH Staff	February 19, 1998	February 25, 1998	63 FR 9570
Guidance On Procedures to Determine Application of Postmarket Surveillance Strategies	February 19, 1998	February 25, 1998	63 FR 9571
Guidance on Procedures for Review of Postmarket Surveillance Submissions	February 19, 1998	February 25, 1998	63 FR 9571
Guidance on Medical Device Tracking	February 19, 1998	March 4, 1998	63 FR 10640
PMA/510(k) Expedited Review—Guidance for Industry and CDRH Staff	March 20, 1998	March 31, 1998	63 FR 15427

Name of Document	Date of Issuance[1]	Date of Publication in the FEDERAL REGISTER	FEDERAL REGISTER cite
Guidance to Industry Supplements to Approved Applications for Class III Medical Devices: Use of Published Literature, Use of Previously Submitted Materials, and Priority Review	May 20, 1998	May 21, 1998	63 FR 27988
List of Devices for Third Party Review Under the FDA Modernization Act of 1997[2]	February 8, 1999 (list updated periodically)	N/A	N/A
List of Accredited Persons For 510(k) Review under the FDA Modernization Act of 1997[2]	October 2, 1998 (list updated periodically)	N/A	N/A
Guidance for Staff, Industry, and Third Parties: Implementation of Third Party Programs Under the FDA Modernization Act of 1997	October 30, 1998	November 2, 1998	63 FR 58746
Guidance on Criteria and Approaches for Postmarket Surveillance	November 2, 1998	November 3, 1998	63 FR 59315
Guidance for Industry: General/Specific Intended Use	November 4, 1998	November 5, 1998	63 FR 59793
Guidance on Frequently Asked Questions on the Recognition and Use of Consensus Standards[2] (Level 2)	December 21, 1998	N/A	N/A
Notices			
Medical Devices; Exemptions From Premarket Notification; Class II Devices		January 21, 1998	63 FR 3142
Medical Devices; Exemptions From Premarket Notification and Reserved Devices; Class I		February 2, 1998	63 FR 5387
Medical Devices; Device Tracking; New Orders to Manufacturers		March 4, 1998	63 FR 10638
Prompt Review of Supplemental Applications for Approved Devices		May 21, 1998	63 FR 27987
Modifications to the List of Recognized Standards; Availability; Withdrawal of Draft Guidance ''Use of IEC 60601 Standards; Medical Electrical Equipment''		October 16, 1998	63 FR 55617
Rulemakings			
Medical Devices; Reports of Corrections and Removals; Direct Final Rule		August 7, 1998	63 FR 42229
Medical Devices; Reports of Corrections and Removals; Companion to Direct Final Rule; Proposed Rule		August 7, 1998	63 FR 42300
Medical Devices; Exemptions from Premarket Notification ; Class II Devices		November 3, 1998	63 FR 59222
Medical Devices; Exemption from Premarket Notification and Reserved Devices; Class I		November 12, 1998	63 FR 63222
Medical Devices; Investigational Device Exemptions; Final Rule		November 23, 1998	63 FR 64617

[1] The ''Date of Issuance'' is the date that the guidance was announced on the Internet.
[2] Not applicable (N/A)—this document was not announced in the FEDERAL REGISTER. It was issued directly on the Internet.

III. Electronic Access

Persons with access to the Internet may obtain the documents using the World Wide Web (WWW). For WWW access, connect to CBER at ''http://www.fda.gov/cber/guidelines.htm'' for the guidance documents only. Connect to CDRH at ''http://www.fda.gov/cdrh'' for all of the documents listed.

Dated: April 19, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–10290 Filed 4–23–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Biologic Specimen-Based Study of Dietary Measurement Error for Nutritional Epidemiology and Surveillance

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH), National Cancer Institute (NCI) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on June 23, 1998 page 34190–34191 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

Proposed Collection

Title: Biologic specimen-based study of dietary measurement error for nutritional epidemiology and surveillance. *Type of Information Collection Request:* New. *Need and use of Information Collection:* The agency conducts and funds studies examining the relationship between diet and chronic diseases. The study will collection a sample of 400 free-living men and women, 40–69 years of age, two 24-hour dietary recalls, two food frequency questionnaires, a physical activity questionnaire, a dietary screener questionnaire, and an opinion form. Respondents will receive a dose of doubly labeled water and provide spot urine samples to measure energy expenditure, will collect two 24-hour urines to measure urinary nitrogen, and

provide blood samples to measure biochemical measures of dietary intake. The data will be used to assess the magnitude and structure of dietary measurement error in dietary surveillance and nutritional epidemiologic studies. *Frequency of response:* One-time study. *Affected public:* Individuals or households. *Types of Respondents:* US adults 40–69 years of age. The annual reporting burden is as follows:

Data collection	Estimated Number of respondents	Estimated Number of responses per respondent	Average burden hours per response	Estimated total hour burden	Estimated total annual burden hours requested
Screener	400	1	0.167	67	67
24-hour recall #1	400	1	0.5	200	200
24-hour recall #2	400	1	0.5	200	200
Food frequency questionnaire #1	400	1	1	400	400
Food frequency questionnaire	400	1	1	400	400
Physical activity questionnaire	400	1	0.25	100	100
Opinion forms	400	1	0.25	100	100
Dietary screener questionnaire	400	1	0.167	67	67
Dosing with DLW/initial urine collections	400	1	4	1600	1600
Spot urine collections	400	1	0.25	100	100
24 hr urine collection #1	400	1	0.167	67	67
24 hr urine collection #2	400	1	0.167	67	67
Blood collection	400	1	0.25	100	100
Total	400	1	0.67	3,468	3,468

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proposed performance of the functions of the agency, including whether the information shall have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimate public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Amy F. Subar, Ph.D., Project Officer, National Cancer Institute, EPN 313,6130 Executive Blvd MSC 7344, Bethesda MD 20892–7344, or call non-toll-free number (301) 496–8500, or FAX your request to (301) 435–4710, or E-mail your request, including your address, to amy__subar@nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: April 15, 1999.

Reesa Nichols,

NCI Project Clearance Liaison.

[FR Doc. 99–10372 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: June 7, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: For discussion of program policies and issues.

Place: National Institute of Health, Two Rockledge Center, Suite 9104, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Charles L. Peterson, Director, Blood Diseases Program, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, NIH, Two Rockledge Center, Room 10158, MSC 7950, 6701 Rockledge Drive, Bethesda, MD 20892, 301/435–0050.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–10368 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: April 26, 1999.

Time: 4:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gerald E. Calderone, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: April 19, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–10364 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Tuberculosis Research Unit.

Date: June 7–9, 1999.

Time: June 7, 1999, 7:30 p.m. to recess.

Agenda: To review and evaluate grant proposals.

Place: Bethesda Ramada Hotel and Conference Center, Embassy I Room, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Time: June 8, 1999, 8:30 a.m. to adjournment.

Agenda: To review and evaluate grant proposals.

Place: Bethesda Ramada Hotel and Conference Center, Embassy I Room, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Allen C. Stoolmiller, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Solar Building, Room 4C05, 6003 Executive Boulevard, MSC 7610, Bethesda, MD 20892–7610, 301–496–7966.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–10365 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Tuberculosis Drug Development: Tuberculosis Technology Transfer Support.

Date: May 12, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Ramada Hotel and Conference Center, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Allen C. Stoolmiller, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Solar Building, Room 4C05, 6003 Executive Boulevard MSC 7610, Bethesda, MD 20892–7610, 301–496–7966.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–10366 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Name of Committee: National Advisory Council on Drug Abuse.

Date: May 25, 1999.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.

Contact Person: Teresa Levitin, Director, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, Bethesda, MD 20892–9547, (301) 443–2755.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist

Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–10367 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communications Disorders; Notice of Meetings

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meetings will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: May 26–27, 1999.

Open: May 27, 1999, 8:30 a.m. to 11:30 a.m.

Agenda: Staff reports on divisional, programmatic, and special activities.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Closed: May 27, 1999, 11:30 AM to adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Craig A. Jordan, Acting Director, NIH/NIDCD/DEA, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8693.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council Planning Subcommittee.

Date: May 26, 1999.

Open: 2:00 p.m. to 3:00 p.m.

Agenda: Program documents.

Place: National Institutes of Health Building, 31, Conference Room 7, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Craig A. Jordan, Acting Director NIH/NIDCD/DEA, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8693.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–10370 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: May 10, 1999.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Executive Plaza South, Room 400C, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Craig A. Jordan, Acting Director, NIH/NIDCD/DEA, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8693.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–10371 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given to the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG–1 AARR–1 (04).

Date: April 20, 1999.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sami A. Mayyasi, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7852, Bethesda, MD 20892, (301) 435–1169.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 28, 1999.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Robert Weller, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701

Rockledge Drive, Room 3160, MSC 7848, Bethesda, MD 20892, (301) 435–0694.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 29–30, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Joe Marwah, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892, (301) 435–1253.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 29, 1999.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Timothy J. Henry, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180, MSC 7808, Bethesda, MD 20892, (301) 435–1147.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 30, 1999.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: J. Terrell Hoffeld, DDS, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 16, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99–10369 Filed 4–23–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments Are Invited on

(a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 2000 National Household Survey on Drug Abuse—(0930–0110, Revision)

The National Household Survey on Drug Abuse (NHSDA) is a survey of the civilian, noninstitutionalized population of the United States 12 years old and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

For the 2000 NHSDA, additional questions in the following substantive areas are planned: mental health; mental health service utilization; industry and occupation; youth access to tobacco products and the cost of the last cigarettes purchased for adults as well as youth; and, substance abuse and treatment need. The remaining modular components of the NHSDA questionnaire will remain essentially unchanged except for minor modifications to wording and selective elimination of sufficient questions to allow for the additional burden of the questions and modules listed above.

As in 1999, the sample size of the survey for 2000 will be sufficient to permit prevalence estimates for each of the fifty states and the District of Columbia. The total annual burden estimate is 83,200 hours as shown below:

	Number of respondents	Responses per respondent	Average burden per response (hour)	Total burden (hours)
Household Screener	263,991	1	0.05	13,200
NHSDA Questionnaire	70,000	1	1.0	70,000
Total				83,200

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 20, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–10345 Filed 4–23–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 1999 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS), announces the availability of FY 1999 funds for one cooperative agreement for the following activity. This activity is discussed in more detail under section 4 of this notice. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA) before preparing an application.

Activity	Application deadline	Estimated funds available (millions)	Estimated number of awards	Project period
NTTAC for children	06/24/99	$2.5	1	Up to 5 yrs.

Note: SAMHSA will publish additional notices of available funding opportunities for FY 1999 in subsequent issues of the **Federal Register**.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 1999 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 105–277. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 5/96; OMB No. 0937–0189). The application kit contains the GFA (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for the activity covered by this notice (see Section 4).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information, including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of the activity (i.e., the GFA) described in Section 4 are available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

Application Submission: Applications must be submitted to: SAMHSA Programs, Center for Scientific Review, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, Maryland 20892–7710*.

(*Applicants who wish to use express mail or courier service should change the zip code to 20817.)

Application Deadlines: The deadline for receipt of applications is listed in the table above.

Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may only be accepted if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for the activity covered by this notice (see Section 4).

Requests for information concerning business management issues should be directed to the grants management contact person identified for the activity covered by this notice (see Section 4).

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

SAMHSA's FY 1999 Knowledge Development and Application (KD&A) agenda is the outcome of a process whereby providers, services researchers, consumers, National Advisory Council members and other interested persons participated in special meetings or responded to calls for suggestions and

reactions. From this input, each SAMHSA Center developed a ''menu'' of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 1999 KD&A programs will sometimes involve the evaluation of some delivery of services, they are services studies and application activities, not merely evaluation, since they are aimed at answering policy-relevant questions and putting that knowledge to use.

SAMHSA differs from other agencies in focusing on needed information at the services delivery level, and in its question-focus. Dissemination and application are integral, major features of the programs. SAMHSA believes that it is important to get the information into the hands of the public, providers, and systems administrators as effectively as possible. Technical assistance, training, preparation of special materials will be used, in addition to normal communications means.

SAMHSA also continues to fund legislatively-mandated services programs for which funds are appropriated.

2. Special Concerns

SAMHSA's legislatively-mandated services programs do provide funds for mental health and/or substance abuse treatment and prevention services. However, SAMHSA's KD&A activities do not provide funds for mental health and/or substance abuse treatment and prevention services except sometimes for costs required by the particular activity's study design. Applicants are required to propose true knowledge application or knowledge development and application projects. Applications seeking funding for services projects under a KD&A activity will be considered nonresponsive.

Applications that are incomplete or nonresponsive to the GFA will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

Consistent with the statutory mandate for SAMHSA to support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs, competing applications requesting funding under the specific project activity in Section 4 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures.

3.1. General Review Criteria

As published in the **Federal Register** on July 2, 1993 (Vol. 58, No. 126), SAMHSA's ''Peer Review and Advisory Council Review of Grant and Cooperative Agreement Applications and Contract Proposals,'' peer review groups will take into account, among other factors as may be specified in the application guidance materials, the following general criteria:

- Potential significance of the proposed project;
- Appropriateness of the applicant's proposed objectives to the goals of the specific program;
- Adequacy and appropriateness of the proposed approach and activities;
- Adequacy of available resources, such as facilities and equipment;
- Qualifications and experience of the applicant organization, the project director, and other key personnel; and
- Reasonableness of the proposed budget.

3.2 Funding Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process.

Other funding criteria will include:

- Availability of funds.

Additional funding criteria specific to the programmatic activity may be included in the application guidance materials.

4. Special FY 1999 SAMHSA Activity

4.1. National Training and Technical Assistance Center for Children Who Have or Are At-Risk of Emotional Disturbances and Their Families (NTTAC for Children, SM 99–008)

- Application Deadline: June 24, 1999.
- Purpose: Under the authority of Sections 501(d)(5) and 565(b) of the Public Health Service Act, one cooperative agreement will be awarded to improve developmentally and culturally appropriate service delivery and outcomes for children who have or are at-risk of emotional disturbances. The goal will be achieved by operating a NTTAC to assist States, cities, counties, communities, Indian tribes and tribal organizations, Pacific Island jurisdictions, and Freely Associated States to build and implement community-based systems of care that are child- and family-centered, culturally competent, and coordinated across child-serving disciplines.
- Eligible Applicants: Applications may be submitted by public organizations, such as units of State, County, or local governments, by Indian Tribes or Tribal organizations (as defined in Section 4(b) and Section 4(c) of the Indian Self-Determination and Education Assistance Act), and by domestic private nonprofit organizations such as community-based organizations, universities, colleges, and hospitals.

The cooperative agreement awarded under this GFA is authorized under Sections 501(d)(5) and 565(b) of the Public Health Service Act. Eligibility is limited to public and non-profit entities because the legislative language from Section 565(2) restricts awards to these entities. Combined funding of a single grant will increase the efficiency of technical assistance services and permit sharing of technical assistance resources among grant sites funded under the Comprehensive Community Mental Health Services for Children and Their Families Program and other communities serving children with serious emotional disturbances around the nation.

- Amount: Approximately $2.5 million will be available to support one (1) award under this GFA in FY 1999. Actual funding will depend upon the availability of funds at the time of award. This cooperative agreement is for a period of up to 5 years.
- Catalog of Federal Domestic Assistance Number: 93.104.
- Program Contact: For programmatic or technical assistance, contact:

Gary De Carolis, Chief, Child, Adolescent, and Family Branch, Division of Knowledge Development and Systems Change, Center for Mental Health Services/SAMHSA, Room 18–49, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–1333/ FAX (301) 443–3693, Internet: gdecarol@samhsa.gov

For grants management issues, contact: Steve Hudak, Grants Management Officer, Office of Program Services/SAMHSA, Room 15C–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–4456/ FAX (301) 594–2336, Internet: shudak@samhsa.gov

- For application kits, contact: Nicole Haliburton, IQ Solutions, Inc., 11300 Rockville Pike, Suite 801, Rockville, Maryland 20852.

Voice: (301) 984–1471
FAX: (301) 984–1333
Email: nhaliburton@iqsolutions.com

- CMHS will sponsor a one-day technical assistance workshop for

potential applicants if at least seven organizations express interest in attending. The workshop is scheduled to take place on May 7, 1999, in Rockville, Maryland. For more information, potential applicants may contact the following: Danielle Voss, IQ Solutions, 11300 Rockville Pike, Suite 801, Rockville, Maryland 20852, (301) 984–1471, (301) 984–1473, FAX, E-Mail: vossd@iqsolutions.com

5. Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Dated: April 20, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–10360 Filed 4–23–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Listing of Goldenseal (*Hydrastis canadensis*) in Appendix II and its Implementation by the United States; Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meeting.

SUMMARY: With this notice the U.S. Fish and Wildlife Service (Service) announces a public meeting to discuss the implementation of the listing of goldenseal (*Hydrastis canadensis*) in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This listing decision was reached at the Tenth Conference of the CITES Parties (COP10) which was held in June of 1997. The listing became effective September 18, 1997. The CITES listing covers live plants as well as whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionary. By listing goldenseal in CITES, the live plants and roots are now covered by the Service's regulations regarding import or export of wildlife. The focus of the meeting will be the export process for goldenseal roots from the United States to comply with the requirements of the CITES listing.

DATES: A public meeting in St. Louis, Missouri, will be held on May 18, 1999, from 1:00–4:00 p.m.

ADDRESSES: The public meeting will be held in St. Louis, Missouri, at the Holiday Inn Oakland Park/St. Louis Airport. Please note that the room for this meeting is accessible to the handicapped.

FOR FURTHER INFORMATION CONTACT: Dr. Rosemarie Gnam, Office of Management Authority, U.S. Fish and Wildlife, 4401 N. Fairfax Drive, Room 700, Arlington Virginia, 22203. Telephone (703) 358–2095, fax (703) 358–2298, email: r9oma__cites@fws.gov.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereafter referred to as CITES, is an international treaty designed to control international trade in certain animal and plant species that are or may become threatened with extinction, and are listed in Appendices to the Convention. Currently, 145 countries, including the United States, are CITES Parties.

The Service is the lead agency for the implementation of CITES. As such, we are responsible for implementing decisions from past meetings of the Conference of the Parties to CITES (COPs). COP10, the most recent COP, was held in Harare, Zimbabwe, in June, 1997. Among the decisions taken at COP10, was to include goldenseal (*Hydrastis canadensis*) in Appendix II of CITES. This listing became effective September 18, 1997 (see 63 FR 63210).

Goldenseal is a North American perennial herb valued for its medicinal properties; it occurs in one Canadian province and approximately 27 States in the United States. Goldenseal is highly valued in the U.S. medicinal market, and is becoming increasingly popular in Europe and elsewhere. The species suffered severe population decreases during the second half of the 19th century due to over-harvesting for the commercial trade. It is considered to have some degree of threat in Canada and 11 U.S. States, and it is classified as ''very threatened rangewide'' by The Nature Conservancy.

Much of the goldenseal on the medicinal plant market is wild-harvested. There appears to be very little legal protection afforded this species within its natural range except within designated protected areas. Furthermore, management plans for harvesting this species appear to be currently lacking, although researchers are beginning to undertake field studies of goldenseal ecology. Due to concern regarding the over-collection of wild goldenseal within the range States of the United States and Canada, the United States proposed listing this species in Appendix II of CITES at COP10. The species, including parts and derivatives such as finished pharmaceutical products, was proposed for listing. The final listing was for live plants as well as whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionary.

The listing of goldenseal will provide a regulatory mechanism for the export of fresh and dried roots. The aim of this listing is to ensure sustainable use and management of wild goldenseal populations.

With the listing of goldenseal in CITES at COP10, this species is now covered by the Service's regulations regarding import or export of wildlife. All goldenseal root will now require export permits prior to being shipped out of the United States. All goldenseal must be exported through ports designated by the U.S. Department of Agriculture (USDA). Each shipment will be inspected by a USDA Animal and Plant Health Inspection Service, Division of Plant Protection and Quarantine (APHIS/PPQ) inspector at the designated port.

This public meeting will provide an opportunity for the Service to meet with goldenseal exporters and other persons interested in the CITES listing. The Service will explain the wildlife regulations that will now affect goldenseal exports, and how these requirements will be implemented.

The public meeting will be held in St. Louis because of its proximity to much of the goldenseal industry in the United States, and the corresponding concentration of affected members of the general public.

The Service has prepared a fact sheet, ''What you need to know about exporting Goldenseal'' to help answer questions on the listing and its implementation. It is available from the Office of Management Authority upon

request. Written requests should be sent to: Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia, 22203.

Paperwork Reduction Act

This Notice does not contain new or revised information collection for which Office of Management and Budget approval is required under the Paperwork Reduction Act. The referenced information collection is covered by an existing OMB approval, and has been assigned clearance No. 1018–0093, Form 3–200–32, with an expiration date of January 31, 2001; implementing regulations for the CITES documentation appear in 50 CFR 23. The Service may not conduct or sponsor, and a person is not required to respond to, a collection of information request unless it displays a currently valid OMB control number.

Author: This notice was prepared by Anne St. John, Office of Management Authority, U.S. Fish and Wildlife Service.

Dated: April 16, 1999.

Jamie Rappaport Clark,

Director.

[FR Doc. 99–10342 Filed 4–23–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–200–09–1020–00]

Science Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Land Management (BLM) announces a public meeting of the Science Advisory Board to examine the use of science for improving the management of the Nation's public land and resources. Topics of discussion will include the BLM's National Applied Resource Sciences Center, long-term monitoring, and update on wild horses and burros management.

DATES: BLM will hold the public meeting on Tuesday, May 25, 1999, from 8:30 am to 4:30 pm, local time.

ADDRESSES: BLM will hold the public meeting in the East and Center Conference Rooms of the Denver Federal Center at 6th Street and Kipling Street, Denver, Colorado. Receptionist: (303) 236–6454.

FOR FURTHER INFORMATION CONTACT: Christine Jauhola, Bureau of Land Management, 1849 C Street, NW, LSB–204, Washington, D.C. 20240, (202) 452–7761.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Public Law 920463).

I. The Agenda for the Public Meeting is as Follows:

8:30 am—Welcome, introductions Review Minutes of Previous Meeting, Report from Deputy Assistant Secretary for Land and Minerals Management (Acting).
9:00 am—Report from the Bureau of Land Management Director.
9:30 am—Inventory and Long-term Monitoring.
10:15 am—Update on Executive Order on Weeds.
10:45 am—Break.
11:00 am—Wild Horse and Burro Advisory Committee.
11:30 am—Review of Military Withdrawal and Status of Area A.
12:00 Noon—Future Science Advisory Board Meetings, Dates and Places.
12:30 pm—Lunch: The Nature Conservancy Ecoregional Planning.
1:30 pm—National Applied Resource Sciences Center.
4:30 pm—Adjourn.

II. Public Comment Procedures

Participation in the public meeting is not a prerequisite for submittal of written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. BLM appreciates any and all comments, but those most useful and likely to influence decisions on BLM's use of science are those that are either supported by quantitative information or studies or those that include citations to and analyses of applicable laws and regulations. Except for comments provided in electronic format, commenters should submit two copies of their written comments, where practicable. BLM will not necessarily consider comments received after the time indicated under the **DATES** section or at locations other than that listed in the **ADDRESSES** section.

In the event there is a request under the Freedom of Information ACT (FOIA) for a copy of your comments, we intend to make them available in their entirety, including your name and address (or your e-mail address if you file electronically). However, if you do not want us to release your name and address (or e-mail address) in response to a FOIA request, you must state this prominently at the beginning of your comment. We will honor your wish to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations of businesses, will be released in their entirety, including names and addresses (or e-mail addresses).

Electronic Access and Filing Address: Commenters may transmit comments electronically via the Internet to: cjauhola@wo.blm.gov. Please include the identifier ''Science4'' in the subject of your message and your name and address in the body of your message.

III. Accessibility

The meeting sites are accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the hearing, such as interpreting service, assistive listening device, or materials in an alternate format, must notify the person listed under **FOR FURTHER INFORMATION CONTACT** two weeks before the scheduled meeting date. Although BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

Dated: April 20, 1999.

Peggy Olwell,

Acting Group Manager, Fish, Wildlife and Forest Group.

[FR Doc. 99–10338 Filed 4–23–99; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request; Extension

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), we are notifying you that MMS is planning to submit an information collection request to the Office of Management and Budget (OMB) to request an extension of a currently approved collection. Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed

extension of an existing collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements relating to Directed Third Party Communications Between Operators and Purchasers of Royalty-in-Kind (RIK)—Federal Oil and Gas Purchase System (OMB Control Number 1010–0126).

DATES: Written comments should be received on or before June 25, 1999.

ADDRESSES: Submit written comments on the collection of information to the Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS–3021, Denver, Colorado 80225–0165; courier address is Building 85, Room A613, Denver Federal Center, Denver, Colorado 80225; e:mail address is RMP.comments@mms.gov.

FOR FURTHER INFORMATION CONTACT: For questions concerning this collection of information, please contact Larry Barker, RIK Study Team, telephone (303) 231–3157. You may also obtain copies of this collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. Section 3506(c)(2)(A) of the PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, MMS is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, MMS invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of MMS's functions, including whether the information will have practical utility; (2) the accuracy of MMS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping ''cost'' burden to respondents or recordkeepers resulting from the collection of information. We need to know if you have costs associated with the collection of this information for either total capital and startup cost components or annual operation, maintenance, and purchase of service components. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

Title: Directed Third Party Communications Between Operators and Purchasers of RIK—Federal Oil and Gas Purchase System—Extension.

OMB Control Number: 1010–0126.

Abstract: The Secretary of the Interior, under the Mineral Leasing Act (30 U.S.C. 192) and the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for the management of royalties on minerals produced from leased Federal lands. MMS carries out these responsibilities for the Secretary. Most royalties are now paid in value—when a company or individual enters into a contract to develop, produce, and dispose of minerals from Federal lands, that company or individual agrees to pay the United States a share (royalty) of the full value received for the minerals taken from leased lands. MMS has undertaken several pilot programs to study the feasibility of taking the Government's royalty in the form of production, that is, as RIK.

Collection of RIK requires communication between the operators of a lease and the purchaser of RIK from that lease to assure accurate and timely delivery of MMS' royalty share of production volumes. On January 29, 1999, OMB granted emergency approval for MMS to instruct lessees (or their operators), through a letter to operators which contains reporting and recordkeeping requirements, to conduct all necessary communications with RIK purchasers during RIK pilot activities.

The three kinds of directed communication between operators and purchasers of RIK are: (1) Information about the volumes made available as RIK; (2) information about transportation of the RIK; and (3) information about correcting volumes made available as RIK. Experience with the Wyoming and Texas 8(g) Pilots demonstrates that the directed communication requirements differ according to the needs of each pilot situation. For example, in the Wyoming Pilot, RIK is delivered to the purchaser at the lease. Therefore, the direction to make transportation arrangements was not included in letters issued to those operators. For these reasons, we are not requesting approval of specific letters to operators but, instead, approval for the three kinds of reporting requirements concerning communications between operators and purchasers of RIK. By obtaining approval for these three kinds of reporting requirements, MMS will be able to select the types of directed communications needed for each pilot and include only those types in a letter appropriate to the operation of that pilot.

The types of communication and supporting data MMS will require operators to use in setting up the monthly delivery of RIK to the purchaser are standard business practices in the oil and gas industry. The information in the directed communication is essential to the delivery and acceptance of verifiable quantities and qualities of oil and gas and is exchanged as a normal part of the conduct of those business activities, even when operators are not directed to do so. No proprietary information will be submitted to MMS under this collection. No items of a sensitive nature are collected. The requirement to respond is mandatory.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Burden Statement: The reporting burden is estimated to average 2 minutes per response (oral, telefax communication) including the time for reviewing the instructions, gathering and maintaining supporting data (commonly maintained through electronic spreadsheets of balancing accounts).

This direction of RIK communication does not represent a significant increase in burden, as it is standard industry practice to carry out this kind of information exchange when selling oil

and gas production, regardless of whether directed to do so.

In calculating the burden, we assume that respondents perform many of the requirements and maintain records in the normal course of their activities. We consider these usual and customary and take that into account in estimating the burden.

Respondents/Affected Entities: Lessees or operators of Federal oil or gas leases participating in RIK pilot programs.

Frequency of Collection: Monthly.

Estimated Number of Respondents: 60 in Year 1; 75 in Year 2; and 120 in Year 3.

Estimated Total Annual Burden on Respondents: 97 hours in Year 1; 280 in Year 2; and 410 in Year 3.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach (202) 208–7744.

Dated April 21, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 99–10425 Filed 4–23–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Minerals Management Service Government Performance and Results Act Strategic Plan; Comment Solicitation

AGENCY: Minerals Management Service, Interior.

ACTION: Notice, request for comments.

SUMMARY: The Government Performance and Results Act (GPRA) of 1993 requires that agencies update and revise their strategic plans at least every 3 years. GPRA also states that agencies must consult with the Congress and solicit and consider the views and suggestions of other parties that could be affected by, or are interested in, the agency's plan during the plan's development. Minerals Management Service (MMS) will revise its strategic plan this year, and would welcome comments from interested parties. We will consider these comments while drafting the revision to our strategic plan this summer.

MMS will provide several forums for its customers, stakeholders, and other interested parties to provide input during the revision of its strategic plan, including:

- Commenters may input electronically through the MMS web site presented in the Supplementary Information section.
- Commenters may provide feedback with written correspondence to the addresses in the Addresses section.
- MMS may hold public consultation sessions (see Supplementary Information).

DATES: You are requested to provide electronic and written comments no later than June 1, 1999. You should submit your expressions of interest in MMS holding public consultation sessions by May 7, 1999.

ADDRESSES: Send written comments to Mr. James McNamee, Minerals Management Service, PO Box 25165, MS 9200, Denver, CO 80225. Send E-mail comments to Strategic.Planning.Team@MMS.Gov (you also may submit comments through the Internet by using the link available at the web site in Supplementary Information). Contact Mr. McNamee at (303) 275–7126 or Mrs. Bernadette Osolnick, Minerals Management Service, 381 Elden Street, Herndon, VA 20170, at (703) 787–1240 to indicate your interest in public consultation sessions.

FOR FURTHER INFORMATION CONTACT: Mr. James McNamee at (303) 275–7126.

SUPPLEMENTARY INFORMATION: *Strategic Plan Availability:* See the MMS web site at http://www.mms.gov/eod/stratpln.htm for the MMS GPRA Strategic Plan, as well as its Fiscal Years 1999 and 2000 Annual Performance Plans. If you do not have electronic access, please request a copy of the plan from the addresses in the Addresses section.

Public Consultation Sessions: MMS will schedule public consultation sessions in the latter part of May 1999 in Washington, DC, and Denver, Colorado, if there is sufficient interest. Interested parties should reply to the addresses in the Addresses section no later than May 7, 1999. Session participants should be familiar with the current plan. The intent of the sessions will be to have free-flowing discussions about the direction and goals established in the existing strategic plan and to hear your suggestions and expectations for the revised plan. MMS will establish logistics after expressions of interest have been received, and will notify respondents of dates, locations, and times no later than May 14, 1999.

Dated: April 20, 1999.

Walter D. Cruickshank,

Associate Director, Policy and Management Improvement.

[FR Doc. 99–10376 Filed 4–23–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 17, 1999. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St., NW, NC400, Washington, DC 20240. Written comments should be submitted by May 11, 1999.

Beth Boland,

Acting Keeper of the National Register.

ARKANSAS

Pulaski County

Bush—Dubisson House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1500 S. Ringo St., Little Rock, 99000549

Green House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1224 W. 21st St., Little Rock, 99000544

Henderson House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1510 S. Ringo St., Little Rock, 99000548

Hubble Funeral Home, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 924 S. Cross St., Little Rock, 99000542

Jones, Scipio A., House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1872 S. Cross St., Little Rock, 99000545

Miller House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1853 S. Ringo St., Little Rock, 99000547

Thornton House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1420 W. 15th St., Little Rock, 99000543

Womack House, (Historically Black Properties in Little Rock's Dunbar School Neighborhood MPS), 1867 S. Ringo St., Little Rock, 99000546

CALIFORNIA

Los Angeles County

Hollywood Memorial Park Cemetery, 6000 Santa Monica Blvd., Los Angeles, 99000550

Orange County

French Park Historic District, Roughly bounded by N. Bush, E. Washington, and N. Garfield Sts., and Civic Center Dr. E., Santa Ana, 99000551

GEORGIA

Camden County, Woodbine Historic District, Jct. of Bedell Ave. and 3rd and 4th Sts., Woodbine, 99000553

Chatham County

Daffin Park—Parkside Place Historic District, Bounded by Victory Dr., Waters Ave., Dee St. and 51st Street Ln., Savannah, 99000554

Fulton County

Griffith School of Music, 650 Bonaventore Ave., NE, Atlanta, 99000552

Jones County

Jones County High School, Clinton St., Gray, 99000555

LOUISIANA

St. Landry Parish

Sunset High School, 223 Marie St., Sunset, 99000556

MASSACHUSETTS

Barnstable County

Cove Burying Ground, Jct. of MA 6 and Pine Woods Rd., Eastham, 99000561
Eatham Center Historic District, Depot, Mill, and Samoset Rds., and MA 6, Eastham, 99000560

Hampden County

Cabotville Common Historic District, School, Chestnut, Park and West Sts., Chicopee, 99000558

Middlesex County

Dunstable Town Hall, 511 Main St., Dunstable, 99000557

Plymouth County

East Bridgewater Common Historic District, Central and Plymouth Sts, and Morse Ave., East Bridgewater, 99000559

NEW YORK

Delaware County

Christ Episcopal Church, 41 Gardiner Pl., Walton, 99000563

New York County

Stonewall, Roughly bounded by Greenwich Ave., Seventh Ave., Washington St., and Sixth Ave., New York, 99000562

Seneca County

Queen's Castle, NY 414, Lodi, 99000564

TEXAS

Martin County

Carmelite Monastery, 200 E. Carpenter St., Stanton, 99000566

Tarrant County

Fairmount—Southside Historic District (Boundary Increase), Roughly bounded by Magnolia, Hemphill, Allen, Travis and Morphy St., Fort Worth, 99000565

WASHINGTON

Columbia County

Downtown Dayton Historic District, Roughly along Main St., from Front to third Sts., Dayton, 99000567

A Request for REMOVAL was made for the following resource:

TEXAS

Travis County

Smith, B.J., House, 700 W. 6th St. Austin, 78002992

[FR Doc. 99–10399 Filed 4–23–99; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Supplementation of an Approved Plan of Operations for Western Geophysical 3–D Seismic Survey; Padre Island National Seashore, Kleberg County, TX

The National Park Service has received, from Western Geophysical, a request to supplement an approved Plan of Operations for conducting a 3–D seismic survey at Padre Island National Seashore, Kleberg County, Texas. Western Geophysical has acquired from the state a permit to conduct a geophysical seismic survey on four (4) additional state tracts (state tracts 180, 188, 193, and 194) located within the boundaries of Padre Island National Seashore. Impacts associated with the seismic survey have been mitigated and adequately addressed in the April 7, 1999 approved Plan of Operations and Environmental Assessment.

Pursuant to § 9.52(b) of Title 36 of the Code of Federal Regulations, part 9, subpart B; the Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 20301 Park Road 22, Corpus Christi, Texas.

Jock Whitworth,

Superintendent.

[FR Doc. 99–10203 Filed 4–23–99; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–406]

Certain Lens-Fitted Film Packages; Notice of Commission Determination to Review-in-Part a Final Initial Determination Finding a Violation of Section 337; Schedule for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part the final initial determination (ID) issued by the presiding administrative law judge (ALJ) on February 24, 1999, finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, in the above-captioned investigation. Specifically, the Commission has determined to review the standard for the burden of proof applied in the ID for establishing repair versus reconstruction of a patented product and the ID's determination of no infringement of the design patents asserted in this investigation. The Commission has also determined to review the infringement issues insofar as necessary to correct certain clerical errors brought to the Commission's attention by the Office of Unfair Import Investigations.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3104. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on March 25, 1998, based on a complaint by Fuji Photo Film Co., Ltd. (Fuji) of Tokyo, Japan. 63 FR 14474. Fuji's complaint alleged unfair acts in violation of section 337 in the importation and sale of certain lens-fitted film packages (*i.e.*, disposable cameras). The complaint alleged that 27 respondents had infringed one or more claims of 15 patents held by complainant Fuji. On October 23, 1998, the Commission determined not to review two IDs finding a total of eight respondents, *viz.*, Boshi Technology Ltd., Fast Shot, Haichi International, Innovative Trading Company, Labelle Time, Inc., Linfa Photographic Ind. Co. Ltd., Forcecam, Inc. and Rino Trading Co. Ltd., in default for failure to respond to the complaint and notice of investigation. An evidentiary hearing was held November 2–13, 1998. Eight respondents participated in the hearing, Achiever Industries Limited, Argus Industries, China Film Equipment, Dynatec International Inc., Jazz Photo Corp., Opticolor Camera, P.S.I. Industries, and Sakar International, Inc. On December 4, 1998, the Commission determined not to review an ID granting complainant's oral motion to withdraw

a single claim of one patent from the investigation. 63 FR 67918 (December 9, 1998). Ten respondents that had filed responses to the complaint and notice of investigation failed to appear at the hearing, *viz.*, Ad-Tek Specialties Inc., AmerImage, Inc. d/b/a/ Rainbow Products, Boecks Camera LLC, BPS Marketing, E.T. Trading d/b/a Klikit, Penmax, Inc., PhilmEx Photographic Film, T.D.A. Trading Corp., Vantage Sales, Inc. and Vivitar Corp.

On February 24, 1999, the ALJ issued his final ID, finding a violation of section 337 by 26 of 27 named respondents. (Complainant Fuji admitted at closing argument that one named respondent, Opticam Inc, was not violating section 337). He found that Fuji had not carried its burden of proof in showing infringement of three design patents. The ALJ also issued his recommendations on remedy and bonding. The ALJ recommended that the Commission issue a general exclusion order directing that disposable cameras that infringe the claims of the 12 utility patents at issue be excluded from entry into the United States. He also recommended that cease and desist orders be issued to the 21 domestic respondents found in violation. Finally, he recommended a 100 percent bond during the period of Presidential review.

On March 8, 1999, the eight respondents that appeared at the hearing, complainant Fuji, and the Commission investigative attorney (IA) filed petitions for review of the ID. On March 15, 1999, the private parties filed responses. The IA filed his response to the petitions on March 17, 1999.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review: (1) the standard for the burden of proof applied in the ID for establishing repair versus reconstruction of a patented product, and (2) the ID's determination that the design patents asserted in this investigation were not infringed. The Commission has also determined to review the infringement issues insofar as necessary to correct certain clerical errors brought to the Commission's attention by the Office of Unfair Import Investigations. The Commission requires no further briefing on these issues.

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair action in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions

The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on remedy, the public interest, and bonding. Such submissions should address the February 24, 1999, recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than close of business on April 29, 1999. Reply submissions must be filed no later than the close of business on May 6, 1999. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and sections 210.45–210.51 of the Commission's Rules of Practice and Procedure, 19 CFR 210.45–210.51.

Copies of the public version of the ID, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000.

Issued: April 19, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–10519 Filed 4–23–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Extension of a currently approved collection.

Problem Solving Partnerships: Analysis and Assessment Surveys

Office of Management and Budget (OMB) approval is being sought for the

information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 16, 1998 to allow 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the **Federal Register.** This process is conducted in accordance with 5 Code of Federal Regulation, part 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC, 20530.

Written comments may also be submitted to the COPS Office, PPSE Division, 1100 Vermont Avenue, NW, Washington, DC 20530, or via facsimile at (202) 633–1386.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency=s/components=s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

Problem Solving Partnerships; Analysis and Assessment Surveys

(1) *Type of information collection.* Extension of a currently approved collection.

(2) *The title of the form/collection.* Problem Solving Partnerships; Analysis and Assessment Surveys

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection.* Form: COPS 29/01. Office of Community Oriented Policing Services, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract.* Local law enforcement agencies that received grant funding for the Problem Solving Partnerships (PSP) grant from the COPS Office will be surveyed regarding the activities and outcomes of the analysis and assessment phases of the grant project.

The agencies implementing the problem-solving process through their PSP grants vary significantly in terms of population size, primary problems, location, partners, evaluators, and demographics. The agencies and their partners are working together to target either specific property crimes, violent crimes, problems associated with drugs and/or alcohol, or crimes related to public disorder.

The COPS Office is looking to provide documentation that may stimulate the promotion of problem solving as a way of addressing crime/disorder problems for both current and future grantees looking to implement the problem-solving approach. Copies of the survey instruments to be used by the contractor to obtain information from the PSP grantees are attached. The *Analysis Survey* will be distributed to grantees once OMB approval is obtained. The *Assessment Survey* will be distributed to grantees at a later date, once agencies have completed evaluating the impact of their tailor-made responses. Information obtained from these surveys will be disseminated to other departments to promote the adoption of problem-solving approaches.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond.* Each survey, the Analysis Survey and the Assessment Survey, will be administered one time: Approximately 470 respondents per survey administration, at 55 minutes per respondent per survey (including record-keeping).

(6) *An estimate of the total public burden (in hours) associated with the collection.* Approximately 861.6 hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: April 20, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 99–10302 Filed 4–23–99; 8:45 am]

BILLING CODE 4410–AT–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Eastern Poly Packaging Co., Inc.*, CV–96–4079, was lodged on April 9, 1999, with the United States District Court for the Eastern District of New York. The Consent Decree addresses violations of the Clean Air Act (the ''Act''), 42 U.S.C. 7401–7671, and the State Implementation Plan for the State of New York (''SIP'') promulgated pursuant to Section 110 of the Act, 42 U.S.C. 7410 at Defendant Eastern Poly's printing facility located at 149 47th Street, Brooklyn, New York. The Consent Decree requires the Defendant to pay a civil penalty of $135,000 and to submit quarterly monitoring reports for one year.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Eastern Poly Packaging Co., Inc.*, DOJ Ref. #90–5–2–1–2022.

The proposed consent decree may be examined at the office of the Untied States Attorney for the Eastern District of New York, Pierrepont Plaza, 14th Floor, Brooklyn, New York, 11201 (contact Assistant United States Attorney Jennifer Boal); the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York, 10007–1866 (contact Assistant Regional Counsel Kate Donnelly); and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.25 (25 cents per page reproduction costs) for the consent

Decree, payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 99–10383 Filed 4–23–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act (''CAA'')

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Standard Chlorine of Delaware, Inc.*, No. 98–268–RRM (D. Del.) has been lodged on March 26, 1999, with the United States District Court for the District of Delaware. The consent decree resolves the claims of the United States pursuant to Section 113(b)(2) of the CAA, 42 U.S.C. 7413(b)(2), for civil penalties and injunctive relief, based on alleged violations of regulatory requirements for leak detection and repair of equipment used in the manufacture of chlorine products, and leak repair requirements for industrial refrigeration equipment.

The consent decree provides that the defendant shall pay $349,000 in civil penalties. Because all the violations pleaded in the Complaint have been remedied, and the Defendant has sold the facility where the violations occurred to a non-party to this action, no injunctive relief is requested in the consent decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to DJ #90–5–2–1–2109. Comments may also be addressed to the United States Attorney, District of Delaware, c/o Ms. Patricia Hannigan, 1201 Market Street, Suite 1100, Wilmington, DE 19899–2046.

The consent decree may be examined and copied at the Office of the Clerk, U.S. District Court for the District of Delaware; or at the Region III Office of the Environmental Protection Agency, c/o Mr. Charles McPhedran, 1650 Arch Street, Philadelphia, PA 19103–2029. A copy of the consent decree may also be obtained in person or by mail from the Department of Justice Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $3.00 (25 cents per page reproduction cost), payable to the Consent Decree Library.

Joel Gross,

Section Chief, Environmental Enforcement Section.

[FR Doc. 99–10384 Filed 4–23–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; Request for Information

This document is a request for information regarding a study being conducted by the Department of Labor on the economic benefits that would result from the elimination of abusive and exploitative child labor and increased enrollment of children in school. The Department is now accepting written information on this subject matter from all interested parties preparing written submissions.

The Department of Labor is currently undertaking a Congressionally-mandated study on the economic benefit to individual countries and to possible global benefits (pursuant to Senate Report 105–300, p.35, accompanying the Department of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 1999). The report for this annual Appropriations law reads, in part:

> The Committee recognizes the value of the reports completed by the Bureau of International Labor Affairs in recent years documenting the incidence of international child labor in various industries and countries, and some of the innovative approaches to reduce the use of abusive and exploitative child labor such as codes of conduct and labeling initiatives. While obstacles such as poverty and limited family income contribute to child labor, it is clear that child labor imposes large economic cost by continuing the cycle of poverty and denying educational opportunities to millions of children. Consequently, the Committee requests that the Bureau undertake a study on the economic benefits that could be realized from the elimination of abusive and exploitative child labor and the increased enrollment of these children in school. The study should look at the economic benefits to individual countries and to possible global benefits, in particular U.S. trade, that would result from the elimination of abusive and exploitative child labor. The analysis could include appropriate case or country studies, as appropriate.

Information provided through public submission will be considered by the Department of Labor in preparing its report. Materials submitted should be confined to the specific topic of the study. In particular, the Department's Bureau of International Labor Affairs is seeking written submissions on the topics noted below:

1. Factors that determine whether a child works, particularly the relationship between the availability and quality of schooling and the incidence of child labor.

2. Description of government policy decisions that affect the quality or availability of schooling, either to all children or to specific groups.

3. Studies on the economic cost associated with child labor and possible return from transitioning children from work to school.

This notice is a general solicitation of comments from the public.

DATES: Submitters of information are requested to provide two (2) copies of their written submission to the Child Labor Program by 5:00 p.m., on May 26, 1999.

ADDRESSES: Written testimony should be addressed to Kevin Willcutts at the International Child Labor Program, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–5303, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Kevin Willcutts, International Child Labor Program, Bureau of International Labor Affairs at (202)208–4843; fax (202)219–4923. The Department of Labor's prior child labor reports can be accessed on the Internet at http://www.dol.gov/dol/ilab/public/programs/iclp/ or can be obtained from the International Child Labor Program.

Signed at Washington, DC this 20th day of April, 1999.

Andrew J. Samet,

Deputy Under Secretary.

[FR Doc. 99–10377 Filed 4–23–99; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council; Notice of Meetings and Agenda

The Spring meetings of committees of the Labor Research Advisory Council will be held on May 11, 12, and 13. All of the meetings will be held in the Postal Square Building (PSB), 2 Massachusetts Avenue, NE., Washington, DC.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical

matters associated with the Bureau's programs. Membership consists of union research directors and staff members. The schedule and agenda of the meetings are as follows:

Tuesday, May 11, 1999

9:30 a.m.—Committee on Employment and Unemployment Statistics—Meeting Room 1, PSB

1. Report on Y2K status
2. New 1997 Occupational Employment Statistics data
3. Status of Job Openings and Labor Turnover Survey
4. Report on pilot study of collecting all employee earnings and hours in the Current Employment Statistics program

1:00 p.m.—Committee on Occupational Safety and Health Statistics—Meeting Room 1, PSB

1. Review of the worker demographic and case characteristic data from the 1997 Survey of Occupational Injuries and Illnesses
2. Demonstration of worker demographic and case characteristics profiles system
3. Review and discussion of potential followback/special studies
4. Report on fatal and non-fatal injuries to young workers
5. Status of FY 2000 safety and health statistics budget

Wednesday, May 12, 1999

9:30 a.m.—Committee on Productivity, Technology and Growth—Room 2195, 2nd Floor, PSB

1. Recent developments in the Office of Productivity and Technology
2. Presentation of research results on the accuracy of BLS productivity data for major sectors
   —Overview of the research
   —Role of prices in measuring business sector productivity
   —Analysis of industry multifactor productivity series, in relation to possible measurement bias
3. New employment projections, 1998–2008
4. Special projections-related projects
5. Long-term labor force projections
6. New study of high-tech employment

Thursday, May 13, 1999

9:30 a.m.—Committee on Compensation and Working Conditions—Meeting Room 1, PSB

1. Demonstration of the National Compensation Survey (NCS) occupational wage estimator
2. Discussion of stock option test plans
3. Update on the status of National Compensation Survey national data

1:30 p.m.—Committee on Prices and Living Conditions Meeting Room 1, PSB

1. Status of the Consumer Price Index research series
2. Status of the joint initiative on pharmaceutical price measurement issues
3. Report on recent Import and Export Price Indexes results

The meetings are open to the public. Persons planning to attend these meetings as observers may want to contact Wilhelmina Abner on (Area Code 202) 606–5970.

Signed at Washington, DC, this 16th day of April, 1999.

Katharine G. Abraham,

Commissioner.

[FR Doc. 99–10378 Filed 4–23–99; 8:45 am]

BILLING CODE 4510–24–M

NUCLEAR REGULATORY COMMISSION

[Docket No. IA 98–006; ASLBP No. 99–765–02–EA]

Atomic Safety and Licensing Board, Gary Isakoff, Order Prohibiting Involvement in NRC-Licensed Activities; Notice of Hearing

April 20, 1999.

Before Administrative Judges: Charles Bechhoefer, Chairman, Dr. Richard F. Cole, Dr. Charles N. Kelber.

Notice is hereby given that, by Memorandum and Order (Granting Request for Hearing and Scheduling Prehearing Conference), dated April 6, 1999, the Atomic Safety and Licensing Board has granted the request of Gary Isakoff for a hearing in the above-titled proceeding. The hearing concerns the Order Prohibiting Involvement in NRC-Licensed Activities, issued by the NRC Staff on February 14, 1999 (published at 64 Fed. Reg. 11954 (March 10, 1999). The parties to the proceeding are Mr. Isakoff and the NRC Staff. The issue to be considered at the hearing is whether the Staff's Order should be sustained.

Materials concerning this proceeding are on file at the Commission's Public Document Room, 2120 L St. N.W., Washington, D.C. 20555, and at the Commission's Region I office, 475 Allendale Road, King of Prussia, Pennsylvania 19406–1415.

During the course of this proceeding, the Licensing Board, as necessary, will conduct one or more prehearing conferences and evidentiary hearing sessions. The time and place of these sessions will be announced in Licensing oard Orders. Members of the public are invited to attend any such sessions.

For the Atomic Safety and Licensing Board.

Rockville, Maryland, April 20, 1999.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 99–10356 Filed 4–23–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–458 and 50–440; License Nos. NPF–47 and NPF–58]

Entergy Operations, Inc. FirstEnergy Nuclear Operating Company Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision with regard to Petitions dated September 25, 1998, and November 9, 1998, filed by Mr. David A. Lochbaum on behalf of the Union of Concerned Scientists (UCS), hereinafter referred to as the ''Petitioner.'' The Petitions concern the operation of the River Bend Station (River Bend) located in St. Francisville, Louisiana, and the Perry Nuclear Power Plant (Perry) located in Perry, Ohio.

The Petitions requested that River Bend and Perry should be immediately shut down and their respective operating licenses suspended or modified until the facilities' design and licensing bases were updated to permit operation with failed fuel assemblies, or until all failed fuel assemblies were removed from the reactor core. The Petitioner also requested that a public hearing be held to discuss this matter in the Washington, DC, area.

As the basis for the September 25, 1998, request, the Petitioner raised concerns stemming from the Nuclear Regulatory Commission (NRC) Daily Event Report No. 34815, dated September 21, 1998, whereby Entergy Operations, Inc. (the licensee for River Bend) reported a possible fuel cladding defect. The Petitioner referred to concerns raised in a UCS report of April 2, 1998, regarding nuclear plant operation with fuel cladding leakage. The UCS considers such operation to be potentially unsafe and to be in violation of Federal regulations. In the Petition, a number of references to the River Bend Updated Safety Analysis Report (USAR) were cited that the UCS believes prohibit operation of the facility with known fuel leakage.

The Petition of November 9, 1998, raises concerns originating from the NRC's Weekly Information Report for the week ending October 30, 1998, in

which the staff discussed the licensee's findings of possible fuel cladding defects. The Perry Petition also referred to concerns raised in the UCS report of April 2, 1998.

In its report of April 2, 1998, the UCS expresses the opinion that existing design and licensing requirements for nuclear power plants preclude their operation with known fuel cladding leakage. The UCS position is based on the assessment of updated final safety analysis reports (UFSARs or USARs) of four plants, vendor documentation, standard technical specifications, and pertinent NRC correspondence. In addition to recommending that the NRC take steps to prohibit nuclear power plants from operating with fuel cladding damage, the report specifically recommends plant shutdowns upon detection of fuel leakage and that safety evaluations be included in plant licensing bases, which consider the effects of operating with leaking fuel to justify operation under such circumstances.

Finally, the two Petitions also stated that the licensing basis for worker radiation protection was violated whenever the licensee operated the plant with potential fuel cladding failures. The Petitions references included various USAR Sections and NRC Information Notice 87–39, ''Control of Hot Particle Contamination at Nuclear Plants,'' and stated that industry experience has demonstrated that reactor operation with failed fuel cladding increased radiation exposures for plant workers.

On February 22, 1999, the NRC conducted an informal public hearing regarding the River Bend Petition as well as a similar petition submitted pursuant to 10 CFR 2.206 involving Perry, operated by the FirstEnergy Nuclear Operating Company. The hearing gave the Petitioner, the licensees, and the public an opportunity to provide additional information and to clarify issues raised in the Petitions.

The Director of the Office of Nuclear Reactor Regulation has determined that the two requests, to require River Bend and Perry to be immediately shut down and their operating licenses suspended or modified until the facilities' design and licensing bases were updated to permit operation with failed fuel assemblies, or until all failed fuel assemblies were removed from the reactor core, be denied. The reasons for this decision are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD–99–08), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document rooms located at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana, and the Perry Public Library, 3753 Main Street, Perry, Ohio.

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance, unless the Commission, on its own motion, institutes a review of the Decision in that time.

Dated at Rockville, Maryland, this 18th day of April 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

Director's Decision Under 10 CFR 2.206

I. Introduction

By Petitions submitted pursuant to 10 CFR 2.206 on September 25, 1998, and November 9, 1998, respectively, Mr. David A. Lochbaum, on behalf of the Union of Concerned Scientists (UCS or Petitioner), requested that the U.S. Nuclear Regulatory Commission (NRC) take immediate action with regard to the River Bend Station (River Bend) and the Perry Nuclear Power Plant (Perry).

In the Petitions, the Petitioner requested that the NRC take immediate enforcement action by suspending the operating license for River Bend and Perry until all leaking fuel rods were removed from the reactor core or until the facilities' design and licensing bases were updated to permit operation with leaking fuel assemblies. Accompanying the Petitions was the UCS report ''Potential Nuclear Safety Hazard—Reactor Operation With Failed Fuel Cladding,'' dated April 2, 1998. Entergy Operations, Inc. (the River Bend licensee), provided the NRC with its response to its Petition in a letter dated February 11, 1999. FirstEnergy Nuclear Operating Company (the Perry licensee) provided a response to its Petition in a letter also dated February 11, 1999. On February 22, 1999, the NRC held an informal public hearing at which the Petitioner presented information related to the safety concerns in the Petitions. The NRC staff has determined that the information presented in the Petitions and at the informal public hearing did not support the action requested by the Petitioner. The basis for my decision in this matter follows.

II. Background

In support of the requests presented in the Petition dated September 25, 1998, the Petitioner raised concerns stemming from NRC Daily Event Report No. 34815, filed on September 21, 1998, in which Entergy Operations, Inc., reported a possible fuel cladding defect at River Bend. The Petitioner repeated the concerns raised in the UCS report of April 2, 1998, regarding nuclear plant operation with fuel cladding leakage. The UCS considers such operation to be potentially unsafe and to be in violation of Federal regulations. In addition, the Petitioner cites instances in the licensing basis for River Bend that it believes prohibit operation of the facility with leaking fuel.

In the November 9, 1998, Petition, the Petitioner raised similar concerns originating from the NRC Weekly Information Report for the week ending October 30, 1998, in which fuel leaks detected at Perry on September 2, 1998, and on October 28, 1998, were discussed. The Petitioner also repeated the concerns raised in the UCS report of April 2, 1998. The matters raised in support of the Petitioner's requests are discussed herein.

III. Discussion

The September 25, 1998, Petition presents safety concerns for River Bend along with the associated generic concerns addressed in the UCS report of April 2, 1998. The plant-specific concerns are based on portions of the River Bend Updated Safety Analysis Report (USAR) cited in the Petition. The November 9, 1998, Petition presents safety concerns for Perry arising essentially from the associated generic concerns addressed in the UCS report of April 2, 1998. The Perry Petition does not reference plant-specific licensing basis documentation.

Since the generic concerns presented in the UCS report bear upon the plant-specific concerns cited in the two Petitions, the staff's evaluation first considers the UCS report and follows with a discussion of the plant-specific concerns.

A. Generic Safety Concerns

In the UCS report of April 2, 1998, UCS expresses the opinion that existing design and licensing requirements for nuclear power plants preclude their operation with known fuel cladding leakage. The UCS position is based on the assessment of updated final safety analysis reports (UFSARs) of four plants, vendor documentation, standard technical specifications, and pertinent NRC correspondence. The report states

that the following regulatory and safety concerns exist for plants operating with leaking fuel:

- 10 CFR 50.59, ''Changes, tests and experiments,'' is violated because operation with fuel cladding leakage constitutes an unapproved change to the licensing basis for a plant. The report states that such operation is an unresolved safety question because the criteria of 10 CFR 50.59(a)(2) are satisfied (e.g., probability and consequences of an accident may be increased by operating with leaking fuel).
- 10 CFR 50.71, ''Maintenance of records, making of reports,'' is violated because the licensing basis as documented in the technical specifications and the analyses contained in the UFSAR for the facility do not accommodate operation with leaking fuel.
- Safety analyses for postulated accidents assume intact fuel cladding before the event; therefore, plants with known fuel leakage could have accidents with more severe consequences than predicted as a result of fuel damage. The report further states that no information was available showing that operation with leaking fuel has been previously evaluated.
- 10 CFR 50.34a, ''Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors,'' and other regulations related to the as low as is reasonably achievable (ALARA) principle for radioactive materials release are violated since plant workers are exposed to a greater risk than necessary because of higher coolant activity levels attributable to leaking fuel.

In addition to requesting that the NRC take steps to prohibit nuclear power plants from operating with fuel cladding damage, the report specifically requests that plants be shut down upon detection of fuel leakage, and that safety evaluations be included in plant licensing bases that consider the effects of operating with leaking fuel to justify operation under such circumstances.

Before addressing the regulatory concerns raised in the April 1998 UCS report, the following discussion provides background and bases for current NRC guidance and practices with regard to fuel defects.

1. Defense-in-Depth and ALARA Considerations

In order to protect public health and safety from the consequences of potential uncontrolled releases of radioactive fission products resulting from the operation of nuclear power plants, plants are designed with multiple barriers to fission-product release. This traditional ''defense-in-depth'' philosophy is key to assuring that radiological doses from normal operation and postulated accidents will be acceptably low, as outlined in 10 CFR Part 100, ''Reactor Site Criteria.'' Fuel cladding is integral to the defense-in-depth approach to plant safety, serving as the first barrier to fission-product release.

The premise of the defense-in-depth philosophy with regard to the potential for fission-product release is that plant safety does not rely on a single barrier for protection. In this way, a limited amount of leakage from each of the barriers—the fuel cladding, the reactor coolant system pressure boundary, and the containment—is a design consideration and some leakage from each barrier, within prescribed limits, is acceptable during operation. These limits, defined within the technical specifications, are established as a key component of a plant's design and licensing basis. The leakage associated with fuel cladding defects is accounted for in plant safety analyses, as discussed later in this evaluation under ''Safety Analysis Assumptions.''

Therefore, to meet its defense-in-depth objectives, fuel is not required to be leak-free. A limited amount of fuel cladding leakage is acceptable during operation since (1) In the event of an accident, other fission-product barriers besides the fuel cladding (i.e., the reactor coolant system pressure boundary and the containment) help prevent uncontrolled releases, (2) limits for reactor coolant system activity, as prescribed in the technical specifications, limit the level of fuel leakage that is permitted so that the release guidelines of 10 CFR Part 100, ''Reactor Site Criteria,'' will not be exceeded during accidents, and (3) plant design features and operating procedures anticipate leaking fuel and provide means to deal with the effects.

Sources of activity in reactor coolant are fission products released from fuel, corrosion products activated in the reactor during operation, and fission products released from impurities in fuel cladding, tritium produced from the irradiation of water, lithium, and boron. Although reactor operators should strive to maintain low levels of coolant activity from all of these sources, the staff has long recognized that reactor coolant activity cannot be entirely eliminated and that some fission products from leaking fuel could be present (see Standard Review Plan (SRP), NUREG–0800, Section 4.2, ''Fuel System Design''). Thus, plant design considerations, such as reactor coolant cleanup systems, shielding, and radwaste controls, have been devised to minimize risk to plant workers from exposure to radiation from reactor coolant. Plants also implement procedures to respond to leaking fuel when leakage is discovered, as was demonstrated by the example of the follow-up actions taken by the River Bend and Perry operators to limit the production of fission products in the vicinity of the leaking fuel rods.

By containing fuel and fission products, cladding also helps maintain radioactive releases to as low a level as is reasonably achievable. As previously stated, the technical specifications contain limits for the maximum level of coolant activity so that the dose guidelines in 10 CFR Part 100 are not exceeded during accidents. These are the maximum levels of activity assumed to exist in the reactor coolant from normal operating activities. The limits on reactor coolant system specific activity are also used for establishing standardization in radiation shielding and procedures for protecting plant personnel from radiation (see Section B3.4.16 of NUREG–1431, ''Standard Technical Specifications, Westinghouse Plants''). Thus, they are consistent with NRC regulations requiring licensees to follow an ALARA approach to radiation protection.

The connection between technical specification limits for coolant activity and ALARA requirements is key to demonstrating that limited fuel leakage during operation is consistent with safe plant operation. The ALARA requirement is given in 10 CFR 50.34a and 50.36a. The Statement of Considerations for these NRC regulations (35 FR 18385, December 3, 1970) contains a discussion of the ''reasonableness'' aspect of the ALARA approach. When the Statement of Considerations was written, the Commission believed that releases of radioactivity in plant effluents were generally within the range of ''as low as practicable.'' The Commission also stated, therein, that ''as a result of advances in reactor technology, further reduction of those releases can be achieved.'' Advances in fuel integrity, design of waste treatment systems, and appropriate procedures were cited as areas in which the plants had taken steps to meet the reasonableness standard. It is important to note that the Commission did not require leak-free fuel as a means to satisfy ALARA requirements. In addition to the physical barriers to the release cited above, other factors, such as radwaste cleanup and plant procedures, provide

confidence that fission-product release from the fuel can be controlled so as to prevent undue risks.

Later in the same Statement of Considerations, the Commission acknowledged the need to allow flexibility of plant operation. ''Operating flexibility is necessary to take into account some variation in the small quantities of radioactivity, as a result of expected operational occurrences, which may temporarily result in levels of radioactive effluents in excess of the low levels normally released'' but still within regulatory limits. The Commission recognized that a balance should be maintained between limiting exposure to the public and plant operational requirements. Therefore, the NRC regulations allow the possibility of increased reactor coolant activity levels that might result from limited fuel cladding leaks, but require the use of plant equipment to maintain control over radioactive materials in gaseous and liquid effluents produced during normal reactor operations, including expected operational occurrences. The Commission went as far as to define ''as low as practicable'' (the phrase later replaced with ''as low as is reasonably achievable'' in 40 FR 19440, May 5, 1975) in terms of the state of technology, the economics of improvements in relation to benefits to public health and safety that could be derived by improved technology and methods of controlling radioactive materials, and ''in relation to the utilization of atomic energy in the public interest.'' This definition appears in Section 50.34a itself, mandating that the Commission maintain the balance between safety and plant operational requirements.

By publishing 10 CFR Part 50, Appendix I, ''Numerical Guides for Design Objectives and Limiting Conditions for Operation To Meet the Criterion 'As Low As Is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents,'' the Commission took steps to provide more definitive guidance for licensees to meet the ''as low as practicable'' requirement. Appendix I was published as guidance that presented an acceptable method of establishing compliance with the ''as low as practicable'' requirement of 10 CFR 50.34a and 50.36a. In the Statement of Considerations for Appendix I (40 FR 19439, May 5, 1975), the Commission characterized the guidance as the ''quantitative expression of the meaning of the requirement that radioactive material in effluents released to unrestricted areas from light-water nuclear power reactors be kept 'as low as practicable'.'' The technical basis for Appendix I contained assumptions for a small fraction of leaking fuel rods, as is stated in the Atomic Energy Commission's report of July 1973, WASH–1258, ''Final Environmental Statement Concerning Proposed Rule Making Action: Numerical Guides for Design Objectives and Limiting Conditions for Operation To Meet the Criterion ''As Low as Practicable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents.''

2. Associated Regulations and Guidance

Fuel integrity is explicitly addressed in NRC regulations in several instances, and plant licensing bases specifically discuss fuel performance limits. To implement NRC regulations, the staff developed a number of guidance documents for licensees to use in developing their licensing basis. This section outlines the regulatory framework on fuel integrity during normal plant operation and discusses instances in which the staff has considered the safety implications of fuel integrity.

a. Regulatory Requirements

The General Design Criteria (GDC) of 10 CFR Part 50, Appendix A, ''General Design Criteria for Nuclear Power Plants,'' contain references to fuel design criteria. When fuel performance is used as a criterion for a safety function, system, or component, the phrase ''specified acceptable fuel design limits'' (SAFDLs) appears in the following GDC:

- GDC 10, ''Reactor Design''
- GDC 12, ''Suppression of Reactor Power Oscillations''
- GDC 17, ''Electric Power Systems''
- GDC 20, ''Protection System Functions''
- GDC 25, ''Protection System Requirements for Reactivity Control Malfunctions''
- GDC 26, ''Reactivity Control System Redundancy and Capability''
- GDC 33, ''Reactor Coolant Makeup''
- GDC 34, ''Residual Heat Removal''

GDC 10, 17, 20, and 26 use this wording in conjunction with anticipated operational occurrences and conditions of normal operation. For example, GDC 10 requires ''appropriate margin to assure that specified acceptable fuel design limits are not exceeded during any condition of normal operation, including the effects of anticipated operational occurrences.'' As discussed later in this section, SAFDLs for a plant are described in plant documentation, typically the UFSAR or the FSAR, and are met by operating within technical specifications limits.

NRC regulations also specify that certain conditions beyond steady-state operation be included in evaluations of the normal operating regime for a plant. These are called anticipated operational occurrences (AOOs) and are sometimes referred to as ''anticipated operating transients.'' In Appendix A to 10 CFR Part 50, the staff defines AOOs as ''those conditions of normal operation which are expected to occur one or more times during the life of the nuclear power unit.'' GDC 29, ''Protection Against Anticipated Operational Occurrences,'' gives a general requirement for protection system and reactivity control system performance during AOOs, but does not mention fuel integrity. Examples of AOOs are the loss of all reactor coolant pumps, turbine trip events, and loss of control power. Such occurrences are distinct from events termed ''accidents,'' such as a loss-of-coolant accident (LOCA) or a main steamline break. The references to fuel integrity requirements related to accidents and those regarding emergency core cooling system (ECCS) performance are beyond conditions of normal operation.

The UCS report relates other regulations beyond the GDC to fuel integrity during normal operation as follows:

- 10 CFR 50.34a, ''Design objectives for equipment to control releases of radioactive material in effluents—nuclear power reactors''
- 10 CFR 50.36, ''Technical specifications''
- 10 CFR 50.59, ''Changes, tests and experiments''
- 10 CFR 50.71, ''Maintenance of records, making of reports''
- Appendix I to 10 CFR Part 50, ''Numerical Guides for Design Objectives and Limiting Conditions for Operation To Meet the Criterion 'As Low As Is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents''

Although 10 CFR 50.36a, ''Technical specifications on effluents from nuclear power reactors,'' was not directly referenced in the report, by citing 10 CFR 50.36, the staff inferred that Section 50.36a is linked to fuel integrity when considering the discussion on the UCS report.

b. NRC Staff Guidance Documents

To implement NRC regulations, several NRC staff guidance documents are used, including the following:

- Regulatory Guide 1.3, ''Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss

of Coolant Accident for Boiling Water Reactors''
- Regulatory Guide 1.4, ''Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Pressurized Water Reactors''
- Regulatory Guide 1.77, ''Assumptions Used for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors''
- Regulatory Guide 1.112, ''Calculation of Releases of Radioactive Materials in Gaseous and Liquid Effluents From Light-Water-Cooled Power Reactors''
- SRP Section 4.2, ''Fuel System Design''
- SRP Section 4.4, ''Thermal and Hydraulic Design''

Along with the regulations, licensees use the guidance documents listed above to form the licensing basis for fuel integrity at their plant. The licensing basis for a nuclear power plant, as defined in 10 CFR Part 54, ''Requirements for Renewal of Operating Licenses for Nuclear Power Reactors,'' is ''the set of NRC requirements applicable to a specific plant and a licensee's written commitments for ensuring compliance with and operation within applicable NRC requirements and the plant-specific design basis * * * that are docketed and in effect.'' The definition continues by listing elements of the licensing basis, such as technical specifications, the FSAR, and licensee commitments documented in NRC safety evaluations. Several components form the plant's licensing basis for fuel performance: (1) NRC regulations that specifically refer to fuel integrity; (2) technical specification limits on coolant activity; (3) fuel rod performance specifications and analysis assumptions defined in the plant's FSAR and referenced topical reports; and (4) commitments to NRC regulatory guidance and to generic communications addressing fuel performance.

Acceptance criteria in the SRP sections, which may be adopted by licensees to implement the regulations, are based on meeting the requirements of GDC 10 with appropriate margin to ensure that SAFDLs are not exceeded during normal operation, including AOOs. Specifically, SRP Section 4.2 has as an objective of the safety review ''to provide assurance that the fuel system is not damaged as a result of normal operation and anticipated operational occurrences.'' The reviewer should ensure that fuel does not leak as a result of specific causes during normal operation and AOOs, and that leaking fuel is accounted for in the dose analyses for postulated design-basis accidents. Further, fuel rod failure is defined in SRP Section 4.2 as ''the loss of fuel rod hermiticity,'' meaning fuel rod leakage. However, in SRP Section 4.2, the staff also states that ''it is not possible to avoid all fuel rod failures and that cleanup systems are installed to handle a small number of leaking rods.'' Such leaks typically occur as a result of manufacturing flaws or loose parts wear. Therefore, on the basis of this review guidance, the staff accepts the possibility that fuel may leak during normal operation.

In the case of the Calvert Cliffs Nuclear Plant, a plant cited as an example in the UCS report, the plant's licensing basis contains a commitment to adhere to the guidance in the SRP. The following four objectives for fuel design given in SRP Section 4.2 may be used as fuel design objectives within a plant's licensing basis as is done in the Calvert Cliffs FSAR:

- Fuel is not damaged as a result of normal operation and AOOs.
- Fuel damage is never so severe as to prevent control rod insertion when required.
- The number of fuel rod failures is not underestimated for postulated accidents.
- Coolability is always maintained.

SRP Section 4.4 has as an objective that the thermal and hydraulic design of the core should provide acceptable margins of safety from conditions that would lead to fuel damage during normal reactor operation, including anticipated operational transients. It gives two examples of acceptable approaches to meet the acceptance criteria: one based on a 95-percent probability at a 95-percent confidence level that the hottest rod in the core does not exceed prescribed thermal limits during normal operation, including AOOs, and the other using a limiting value for thermal limits so that at least 99.9 percent of the fuel rods are not expected to exceed thermal limits during normal operation, including AOOs. These criteria are limits that strive to maintain a very low likelihood of fuel damage during operation; however, they do not preclude the possibility that some fuel defects could occur.

A plant's licensing basis contains fuel performance criteria that are specified for normal operation, including AOOs, and analyses are conducted to ensure that these criteria will not be exceeded. The criteria are related to the SAFDLs mentioned in the GDC and are normally presented in terms of prescribed thermal limits, which can be calculated and are reliable predictors of the onset of fuel damage. For boiling-water reactors (BWRs), critical heat flux or the critical power ratio is used as the predictor of fuel damage onset, and for pressurized-water reactors (PWRs), the criterion is the departure from nucleate boiling (DNB), or the DNB ratio (DNBR).

An example of fuel design limits given in plant documentation is found in the FSAR for Calvert Cliffs Units 1 and 2. Section 3.6 of the FSAR presents fuel design and analysis bases. Fuel rod cladding is designed to stress and strain limits, considering the operating temperature, the cladding material, the expected property changes as a result of irradiation, and the predicted life span of the fuel. Extensive fuel mechanical analyses are detailed, along with pertinent fuel test data, which help to confirm the analysis results. The calculations are used to demonstrate that the criteria are satisfied for limiting cases under limiting assumptions. Chapter 14 of the Calvert Cliffs FSAR gives the fuel behavior acceptance criteria for each category of design-basis event analyzed. For AOOs, the minimum DNBR is chosen to provide at least a 95-percent probability with a 95-percent confidence level that DNB will not be experienced along the fuel rod with that DNBR (i.e., the SRP Section 4.4 criteria). This limit ensures that there is a low probability of fuel rod damage as a result of overheated cladding. The fuel temperature SAFDL is set so that no significant fuel melting will occur during steady-state operation or during a transient. Compliance with the limit offers assurance that the fuel rod will not be damaged as a result of material property changes and increases in fuel pellet volume, which could be associated with fuel melting. Again, as with the limits discussed in SRP Section 4.4, these limits are set to prevent fuel damage, but the possibility of fuel leakage is recognized.

The key to plant licensing bases regarding fuel integrity is the technical specification limiting the concentration of activity allowed in reactor coolant during plant operation. These limits are based on maintaining a margin to the dose guidelines in 10 CFR Part 100 for steam generator tube rupture (SGTR) accidents in PWRs and main steamline break (MSLB) accidents in BWRs. The specific activity limits of the reactor coolant system are stated in terms of dose equivalent iodine-131, which is attributable solely to fuel leaks. That is distinct from gross coolant activity, which is the aggregate activity from all sources, including fuel leaks and corrosion product activation. The technical basis for these limits can be traced to the guidance given in

Appendix I, which is, in turn, based on assumptions that fuel leaks would exist during operation. Technical specifications for reactor core safety limits, including the reactor protection system setpoints, are set so that the SAFDLs are not exceeded during normal operation or AOOs. The technical specifications for protection system action are intended to prevent fuel damage, but the specifications for coolant activity levels recognize that some small amount of fuel leakage is allowable during operation. The technical specifications concerning coolant activity are based on meeting the dose acceptance criteria in the SRP for the limiting design-basis accident (usually SGTR or MSLB for PWRs and MSLB for BWRs). These limits are used as assumptions in design-basis accident dose analyses to show compliance with dose acceptance criteria for the control room operators and the public. By maintaining the levels of coolant activity within these limits during normal operation, the continued validity of the design-basis analyses is maintained.

The staff has addressed fuel performance problems in several generic communications to licensees. Prominent among these were NRC Information Notice (IN) 93–82, ''Recent Fuel and Core Performance Problems in Operating Reactors,'' and Generic Letter (GL) 90–02, ''Alternative Requirements for Fuel Assemblies in Design Features Section of Technical Specifications.'' In IN 93–82, the staff discussed fuel leaks occurring during normal operation from a specific cause—fretting wear in PWR fuel, which was partly attributed to mixed fuel core designs. The staff alerted licensees to the introduction of modified fuel designs that requires added attention to ensure that the core design basis is not violated. This information notice is an example of staff action to use operating information gathered from fuel leaks at a few plants to avoid similar problems at other reactors, thus reducing the potential for more widespread fuel leakage. In GL 90–02, the staff provided licensees with added flexibility to take actions to reduce fission-product releases during operation by removing defective fuel rods during refueling outages.

The staff has previously considered the safety implications of operation with fuel leakage on a generic basis. Generic Safety Issue (GSI) B–22, ''LWR [Light Water Reactor] Fuel,'' which is related to fuel leakage, is discussed in NUREG–0933, ''A Prioritization of Generic Safety Issues,'' Supplement 22, March 1998. In GSI B–22, the staff considered the ability to accurately predict fuel performance under normal and accident conditions. The GSI review was conducted to determine if predictions of fuel behavior under normal operating and accident conditions were sufficient to demonstrate that regulatory requirements were being met. In its evaluation of the issue, the staff concluded that releases during normal operation would be increased because of fuel defects, but would not be increased beyond regulatory limits. The staff also stated that, ''additional requirements would not decrease the number of fuel defects significantly.'' Furthermore, the staff concluded that the release from fuel damaged during design-basis accidents and severe accidents would be much larger than the release attributed to preexisting fuel defects, and the magnitude of the release would not be significantly affected by preexisting fuel defects. Thus, the consequence from leaking fuel was determined to be very small. The staff concluded that because fuel manufacturers have taken an active role to improve fuel performance, fuel leaks are now rare, and the significance of the issue has diminished. Therefore, the issue was dropped from further consideration.

In the resolution of GSI B–22, the staff concluded that the influence of additional restrictions to operation with fuel leaks on core damage frequency and public consequence would be insignificant. Thus, operation with a limited number of fuel defects and leaks under normal operating conditions is not associated with an excessive level of risk, provided that the plant continues to operate within technical specifications limits for reactor coolant activity.

3. Evaluation of Generic Concerns

The staff evaluated the generic concerns associated with fuel leakage identified previously by the Petitioner, as follows:

a. 10 CFR 50.59, ''Changes, Tests and Experiments''

A premise of the UCS report is that 10 CFR 50.59 is violated because reactor operation with limited fuel leakage constitutes an unapproved change to the licensing basis for a plant. The report states that ''Federal regulations require formal NRC approval prior to any nuclear plant operating with fuel cladding failures.'' The attachment to the report is an assessment of operation with fuel leaks as an unreviewed safety question on the basis of the criteria in 10 CFR 50.59. The report states that such operation is an unreviewed safety question because operation with leaking fuel (1) increases the probability and consequences of an accident, (2) creates an accident different from any in the safety analysis for the plant, and (3) reduces safety margins.

The staff does not agree that operation with leaking fuel necessarily constitutes a change to or violation of the licensing basis for a plant. A small amount of fuel leakage during operation is permitted by NRC staff guidance implementing NRC regulations and is accounted for in plant licensing bases. A key component of the licensing basis regarding fuel performance is the technical specification limiting reactor coolant system activity. The fission-product release from the level of leaking fuel associated with the technical specification limit is included in the design-basis accident dose analyses described in the FSAR for a plant to show compliance with the dose acceptance criteria in the SRP. Therefore, operating with leaking fuel, within the coolant activity technical specification limits, does not constitute a change in the plant licensing basis, and 10 CFR 50.59 does not apply.

b. 10 CFR 50.71, ''Maintenance of Records, Making of Reports''

The Petitioner states in the report that ''any plant operating with fuel cladding failures is violating its design and licensing bases requirements, a condition not allowed by Federal safety regulations.'' The Petitioner further states that when plants operate with leaking fuel, 10 CFR 50.71 is violated since the licensing basis for a plant, as documented in the technical specifications and in the analyses contained in the FSAR, does not accommodate such operation.

This concern is closely linked to the previous discussion regarding 10 CFR 50.59, in that FSARs for plants operating with leaking fuel should, in the view of the UCS, include safety analyses accounting for the effects of fuel leaks. As previously discussed, plant licensing bases do incorporate assumptions for limited levels of fuel leakage through technical specifications requirements and designs for plant reactor water cleanup systems. Plant FSARs, including the example discussed earlier in this evaluation, typically contain information on fuel leakage effects, and the safety analyses explicitly allow for coolant activity levels attributable to leaking fuel under normal operation. Thus, the staff does not consider 10 CFR 50.71 to be violated by operation with fuel leakage.

c. Safety Analysis Assumptions

The UCS report states that ''safety analyses assume that *all* three barriers

[to radioactive material release] are intact prior to any accident.'' Therefore, according to the UCS, plants with known fuel leakage could have accidents with more severe consequences than predicted. The report also states the following: ''Pre-existing fuel cladding failures have not been considered in the safety analyses for this accident [LOCA], or any other accident.''

In the discussion that follows, the staff explains that preexisting fuel cladding leaks are accounted for in plant licensing bases and that safety analyses do not assume that all the fission-product barriers are fully intact before an accident.

The analyses of limiting postulated design-basis releases do not assume that all the fission-product barriers are fully intact before an accident. For the loss-of-coolant accident, which typically yields the most limiting postulated releases, all three barriers are assumed to allow the release of some fission products. The methodology used to analyze this accident is given in Regulatory Guides 1.3 and 1.4, and SRP Section 15.6.5, ''Loss-of-Coolant Accidents Resulting From Spectrum of Postulated Piping Breaks Within the Reactor Coolant Pressure Boundary.''

For the containment and reactor coolant system (RCS) barriers, these assumptions are explicitly given. The containment is assumed to leak at the leak rate incorporated in the plant technical specifications when the containment is at positive pressure. The RCS inside the containment is assumed to completely fail as a fission-product barrier at the beginning of the accident. Systems outside the containment that interface with the RCS are also assumed to experience failures.

The assumption of preexisting leakage for the fuel cladding barrier, although not explicitly given, is inherent in the assumption of a conservative nonmechanistic release from the fuel. The entire iodine and noble gas inventory of the core is assumed to be released to the reactor coolant. A conservative fraction of this inventory is assumed to be released into the containment and subsequently released to the environment. Assuming that this release occurs instantaneously further enhances the conservatism of these analyses. This assumption disregards the fission-product containment function of the fuel cladding at the beginning of the accident.

Accidents, which may not be bounded by the radiological consequences of a LOCA, include the control rod drop accident for BWRs and MSLB outside of containment for PWRs. However, the conservatism of the source term assumptions for these analyses parallels those for a LOCA. Some of the same assumptions used for radiological consequence evaluation of a LOCA are used for the analysis of MSLB outside of containment. Appendix A to SRP Section 15.1.5, ''Radiological Consequences of Main Steam Line Failures Outside Containment of a PWR,'' contains an acceptance criterion that references Regulatory Guide 1.4. The radiological assumptions for the control rod drop analysis are similar to those for a LOCA, as stated in Appendix A to SRP Section 15.4.9, ''Radiological Consequences of Control Rod Drop Accident (BWR),'' and Regulatory Guide 1.77. For example, the guidelines assume that the nuclide inventory in the potentially breached fuel elements should be calculated and it should be assumed that all gaseous constituents in the fuel cladding gaps are released.

The radioactivity assumed for release from the LOCA is much greater than that associated with preexisting fuel leakage allowed by plant technical specifications. The staff has compared releases from preexisting defects with the release resulting from fuel damage during an accident. In its consideration of GSI B–22, the staff concluded that, ''the magnitude of a release from failed fuel during an accident is much larger than the release from a preexisting fuel defect'' and that ''the resultant consequence from failed fuel was determined to be very small'' (NUREG–0933). These assumptions are made despite the provisions of 10 CFR 50.46 requiring an ECCS that must be designed to prevent exceeding thermal limits that cause such gross fuel failure. In addition, for design-basis accidents in which fuel damage is not assumed, the preexisting fuel cladding defects are typically assumed to serve as release paths facilitating a spike in radioiodine concentration in the coolant.

Additional NRC fuel design requirements complement the conservative defense-in-depth assumptions as previously described to prevent an unanalyzed large release of fission products. To illustrate its concern about fuel leakage influences on accident progression, the UCS report describes a LOCA sequence and postulates that hydraulic loads on the fuel rods could lead to cladding failures, which would result in a large release of fission products into the coolant and prevent control rod insertion. Fuel design requirements and guidance specifically address the ability to insert control rods, and staff review guidance recognizes that preexisting fuel cladding defects could have an effect on fuel performance during accidents. In GDC 27, ''Combined Reactivity Control Systems Capability,'' the staff requires that reactivity control systems, including the control rod system, have the capability to control reactivity changes under postulated accident conditions in order to assure core cooling. SRP Section 4.2 includes the objective that ''fuel system damage is never so severe as to prevent control rod insertion when it is required.''

To ensure that the preceding objective is met, fuel designs consider external loads on fuel rods. This is discussed in the appendix to SRP Section 4.2, ''Evaluation of Fuel Assembly Structural Response to Externally Applied Forces.'' The basis for much of the appendix to SRP Section 4.2 is contained in NUREG/CR–1018, ''Review of LWR Fuel System Mechanical Response With Recommendations for Component Acceptance Criteria,'' prepared by EG&G Idaho in September 1979. This report states that ''Cyclic fatigue and material degradation may cause a failure [of a fuel system component] at any point in the transient [i.e., a LOCA].'' Thus, material degradation that could lead to fuel leakage during operation is considered in accident analyses. Furthermore, design considerations, such as control guide tubes in PWRs and fuel channel boxes in BWRs, help separate control rods from the fuel. The separation provided protects control rods from material degradation of fuel that might occur in accidents, thus helping to prevent control rod obstruction. Such safety analysis assumptions as these (which assume preexisting failures of the fission-product barriers) provide confidence that the preexisting cladding defects allowed by technical specifications limits on coolant activity will not erode the safety margin assumed for accident analyses.

d. 10 CFR 50.34a, ''Design Objectives for Equipment To Control Releases of Radioactive Material in Effluents—Nuclear Power Reactors''

In its report, the UCS claims that 10 CFR 50.34a and other regulations related to the ALARA principle for radioactive materials release are violated since plant workers are exposed to a greater risk than necessary because of higher coolant activity levels attributable to leaking fuel. The UCS report continues: ''Federal regulations require nuclear plant owners to keep the release of radioactive materials as low as reasonably achievable. Therefore, it is both an illegal activity and a serious health hazard for nuclear plants to continue operating with fuel cladding

damage.'' The UCS report cites Appendix I to 10 CFR Part 50 when contending that fuel releases pose an undue risk to plant workers. Appendix I contains the numerical dose guidelines for power reactor operation to meet the ALARA criterion. These dose values are a small fraction of the 10 CFR Part 20 annual public dose limit of 100 millirem (i.e., 3 millirem from liquid effluents and 5 millirem from gaseous effluents).

The bases for the guidelines in Appendix I are given in WASH–1258, which acknowledges that radioactive material from a number of sources, including fission-product leakage to the coolant from defects in the fuel cladding, will be present in the primary coolant during normal operation. Further, in the ''Bases'' section on RCS specific activity in NUREG–1431, ''Standard Technical Specifications, Westinghouse Plants,'' April 1995, the limits on specific activity are linked to exposure control practices at plants. The section clearly states that the limits on RCS specific activity are used in the design of radiation shielding and plant personnel radiation protection practices.

In addition, occupational dose considerations were discussed in the resolution of GSI B–22. The staff acknowledged that localized dose rates were expected to increase as a result of fuel defects, but effects are limited by requirements for plants to operate within their technical specifications for coolant activity and releases. In some cases, plants will often stay within allowable release limits and coolant activity levels by operating at reduced power until the next refueling outage allows the problem to be corrected.

On the basis of the preceding discussion, operation with a limited amount of leaking fuel is within a plant's licensing basis and, in itself, does not violate ALARA-related regulations. Operation involving leaking fuel, however, will likely require plant operators to take additional measures in order to ensure that ALARA requirements are being met, but these would need to be considered on a case-by-case basis.

4. UCS Report Recommendations

In the report, the UCS recommends that the NRC take steps to prohibit nuclear power plants from operating with fuel cladding damage until the safety concerns raised by the report are resolved. The following steps are specifically recommended: (1) requiring plant shutdown upon detection of fuel leakage, and (2) requiring that safety evaluations that consider the effects of operating with leaking fuel be included in plant licensing bases to justify operation under such circumstances. Further, the UCS recommends that UFSARs be revised to establish safe operating limits to accommodate operation with leaking fuel.

On the basis of the staff's consideration of the stated safety concerns in the report, there is no technical or regulatory basis to require that plants operating with leaking fuel be shut down, provided they are operating within their technical specifications limits and in accordance with their licensing basis. The UCS report, in raising its concerns, does not offer any new information to demonstrate that the overall risk of operating with fuel defects presents an undue hazard to plant workers or the public.

Further, since the staff does not consider plants operating with leaking fuel to be violating 10 CFR 50.59 or 50.71, there is no basis for requiring plants to perform additional safety analyses to model the effects of fuel defects on accident progressions to update plant safety analysis documentation.

B. Plant-Specific Concerns—River Bend Station

On the basis of the reported fuel leakage at River Bend, the Petitioner states that the generic concerns contained in its report apply to River Bend. The September 25, 1998, Petition then presents a number of references to the River Bend USAR as instances in which, in the opinion of the Petitioner, plant licensing bases do not permit operation of the plant with known fuel leakage.

A reference to the USAR in the Petition is the USAR definition of unacceptable consequences (USAR Table 15A.2–4), which lists as an unacceptable consequence ''Failure of the fuel barrier as a result of exceeding mechanical or thermal limits.'' The Petitioner considers this criterion violated since a fuel failure exists in advance of any design-basis accident that may now occur.

The Petition then discusses USAR Chapter 15 accident analysis descriptions, which state either (1) that fuel cladding integrity will be maintained as designed or (2) radioactive material is not released from the fuel for the event. The following events cited in the Petition have event descriptions in the River Bend USAR, which state that fuel cladding will function and maintain its integrity as designed:

- Loss of Feedwater Heating (USAR Section 15.1.1.4)
- Feedwater Controller Failure—Maximum Demand (USAR Section 15.1.2.4)
- Pressure Regulator Failure—Open (USAR Section 15.1.3.4)
- Pressure Regulator Failure—Closed (USAR Section 15.2.1.4)

The following two events cited in the Petition have event descriptions in the River Bend USAR, which state that ''no radioactive material is released from the fuel'' during the event:

- Control Rod Withdrawal Error at Power (USAR Section 15.4.2.5)
- Recirculation Flow Control Failure with Increasing Flow (USAR Section 15.4.5.5)

The Petitioner also states that the River Bend licensing basis for worker radiation protection is violated by operation with leaking fuel. Again, the Petition cites the USAR (Sections 12.1.1 and 12.1.2.1) as the pertinent reference to the licensing basis.

Evaluation of Plant-Specific Concerns

As discussed in the consideration of generic safety concerns, the staff does not agree that preexisting fuel cladding defects and resultant fuel leakage violate plant licensing bases. The staff also considers that conclusion valid for River Bend. The basis for this conclusion is supported in the following discussion.

a. USAR Appendix 15A

The Petitioner referenced two sections of USAR Appendix 15A, ''Plant Nuclear Safety Operational Analysis (NSOA)'' (as stated):

UFSAR 15A.2.8, ''General Nuclear Safety Operational Criteria,'' stated:

The plant shall be operated so as to avoid unacceptable consequences.

UFSAR Table 15A.2–4, ''Unacceptable Consequences Criteria Plant Event Category: Design Basis Accidents,'' defined ''unacceptable consequences'' as follows:

4–1 Radioactive material release exceeding the guideline values of 10CFR100.
4–2 Failure of the fuel barrier as a result of exceeding mechanical or thermal limits.
4–3 Nuclear system stresses exceeding that allowed for accidents by applicable industry codes.
4–4 Containment stresses exceeding that allowed for accidents by applicable industry codes when containment is required.
4–5 Overexposure to radiation of plant main control room personnel.

The current operating condition at the River Bend Station apparently violates the spirit, if not the letter, of Criterion 4–2 since the fuel barrier has already failed, albeit to a limited extent. This UFSAR text does not accept a low level of fuel barrier failure based on meeting the offsite and onsite radiation protection limits. Integrity of the fuel barrier is an explicit criterion in addition to the radiation requirements.

In the Petition, the UCS highlights the table concerning the consequences for the design-basis accident. This plant condition is a highly improbable event, and safety analyses ensure that safety limits and regulatory requirements are not exceeded as a result of the accident occurring. This is why USAR Table 15A.2–4, Item 4–2 states, ''Failure of a fuel barrier *as a result of exceeding mechanical or thermal limits*'' (emphasis added). The unacceptable consequences of this type of event are independent of preexisting fuel cladding defects. The unacceptable consequences of this event are additional fuel failures as a result of the accident occurring.

Within the framework of the USAR, ''unacceptable consequences'' are specified measures of safety and analytically determinable limits on the consequences of different classifications of plant events. They are used for performing a nuclear safety operational analysis. Unacceptable consequences are described for various plant conditions, including ''Normal (Planned) Operation,'' ''Anticipated (Expected) Operational Transients,'' ''Abnormal (Unexpected) Operational Transients,'' ''Design Basis (Postulated) Accidents,'' and ''Special (Hypothetical) Events.'' USAR Tables 15A.2–1 through 15A.2–5 identify the unacceptable consequences for each of the five plant conditions, and are different for each of the cases.

The USAR text clearly documents the acceptability of a low level of fuel cladding failures based on meeting the offsite and onsite radiation protection limits. For example, USAR Table 15A.2–1 discusses the unacceptable consequences for normal operation. This USAR table defines unacceptable consequences for normal operation as follows:

4–1 Release of radioactive material to the environs that exceeds the limits of either 10 CFR Part 20 or 10 CFR Part 50.

4–2 Fuel failure to such an extent that were the freed fission products released to the environs via the normal discharge paths for radioactive material, the limits of 10 CFR Part 20 would be exceeded.

4–3 Nuclear system stress in excess of that allowed for planned operation by applicable industry codes.

4–4 Existence of a plant condition not considered by plant safety analysis.

Item 4–2 in Table 15A.2–1 implies that fuel cladding failures are not an unanticipated condition during normal operations and is, therefore, consistent with other parts of the River Bend licensing-basis. Fuel cladding defects are acceptable to the extent that they do not jeopardize radiation protection limits established in the plant technical specifications and other licensing-basis documents. USAR Table 15A.2–4 does not apply for normal operations; only USAR Table 15A.2–1 applies. Furthermore, the provisions found in USAR Table 15A.2–4 would continue to be met for postulated design-basis accidents.

USAR Section 15.0.3.1.1 provides further clarification in its list of unacceptable safety consequences for ''moderate frequency'' events, which lists: ''Reactor operation induced fuel-cladding failure as a direct result of the transient analysis above the minimum critical power ratio (MCPR) uncertainty level (0.1 percent).'' Accordingly, preexisting cladding defects are considered during some postulated transients. In fact, the acceptance criteria for moderate-frequency event analyses, based on the GDC (10 CFR Part 50, Appendix A) and the Standard Review Plan, and described in the Safety Evaluation Report (SER) for River Bend (NUREG–0989), state the following expectations for fuel cladding performance: ''An incident of moderate frequency . . . should not result in a loss of function of any fission product barrier other than the fuel cladding. A limited number of fuel rod cladding perforations are acceptable.''

USAR Chapter 11, ''Radioactive Waste Management,'' Section 11.1, ''Source Terms,'' details the expected reactor coolant and main steam activities to be used to form the basis for estimating the average quantity of radioactive material released to the environment during normal operations, including operational occurrences. This section further addresses that the offgas release rate of 304,000 μCi/sec at a 30-minute delay time corresponds to design failed fuel conditions, that is, maximum acceptable cladding failure for normal operation, and is also conservatively based upon 105 percent of rated thermal power. This is consistent with limits prescribed in Technical Specification 3.7.4, ''Main Condenser Offgas,'' which requires that the gross gamma activity rate of the noble gases shall be <290 mCi/sec (or <290,000 μCi/sec) after a decay time of 30 minutes.

In addition, two other parts of the fuel system licensing basis for River Bend show that limited fuel leakage during plant operation is a design consideration:

The fuel system design basis for River Bend is given in USAR Section 4.2.1 by reference to the generic topical report ''General Electric Standard Application for Reactor Fuel,'' NEDE–24011–P–A. The generic topical report details fuel cladding operating limits to ensure that fuel performance is maintained within fuel rod thermal and mechanical design and safety analysis criteria. The limits are given for normal operating conditions and AOOs in terms of specific mechanical and thermal specifications. Evaluations of specific fuel failure mechanisms under normal operation and AOOs were discussed, such as stress/strain, hydraulic loads, fretting, and internal gas pressure to ensure that fuel failure did not result from these causes. The design basis did not preclude the possibility that fuel could fail for other reasons, such as preexisting cladding flaws leading to leakage.

The Technical Specifications (Section 3.4.8) for River Bend contain a limit for reactor coolant system specific activity. The basis for this limit is the same as that discussed in the consideration of the generic safety concerns. Section B 3.4.8 of the River Bend Technical Specifications ''Bases'' acknowledges that ''the reactor coolant acquires radioactive materials due to release of fission products from fuel leaks.'' Thus, fission products released during plant operation are clearly considered to be contributors to the source term used for safety analysis of the MSLB release consequences. The Technical Specifications state that the limit is set to ensure that any release as a consequence of an MSLB is less than a small fraction of the 10 CFR Part 100 guidelines. These portions of the River Bend licensing basis are consistent with NRC regulations regarding fuel performance and the associated NRC guidance used by licensees to implement those NRC regulations that were covered earlier in the discussion regarding generic concerns.

The River Bend licensing-basis items listed by the Petitioner are consistent with the parts of the fuel licensing basis discussed above with the exception of some minor inconsistencies in documentation (as discussed below). That is, fuel leakage during plant operation is not precluded by licensing-basis provisions requiring that fuel integrity be maintained as designed. The design basis itself allows the possibility of leakage while ensuring that cladding damage does not result from specific operationally related causes. Fuel is also designed to maintain its structural integrity to ensure core coolability and to ensure that control rods can be inserted.

b. Chapter 15 Accident Analysis

The Petitioner also cited references taken from accident analyses described in River Bend USAR Chapter 15 (as stated):

UCS reviewed the UFSAR Chapter 15 description of accident analyses performed for the River Bend Station. UFSAR Section 15.1.1.4, ''Barrier Performance,'' for the loss of feedwater heating event stated:

The consequences of this event do not result in any temperature or pressure transient in excess of the criteria for which the fuel, pressure vessel, or containment are designed; therefore, these barriers maintain their integrity and function as designed.

UFSAR Sections 15.1.2.4 for the feedwater controller failure—maximum event, 15.1.3.4 for the pressure regulator failure—open event, and 15.2.1.4 for the pressure regulator failure—closed event all contain comparable statements that barrier performance was not performed because the fuel remained intact.

These analyzed events appear to be valid only when the River Bend Station is operated with no failed fuel assemblies. Operation with pre-existing fuel failures (i.e., the current plant configuration) appear to be outside of the design and licensing bases for these design bases events.

UFSAR Section 15.4.2.5, ''Radiological Consequences,'' for the control rod withdrawal error at power event stated:

An evaluation of the radiological consequences was not made for this event since no radioactive material is released from the fuel.

UFSAR Section 15.4.5.5, ''Radiological Consequences,'' for the recirculation flow control failure with increasing flow event stated:

An evaluation of the radiological consequences is not required for this event since no radioactive material is released from the fuel.

These analyzed events also appear valid only when the River Bend Station is operated with no failed fuel assemblies. Operation with pre-existing fuel failures (i.e., the current plant configuration) appear to be outside of the design and licensing bases for these design bases events.

The effect from pre-existing fuel failures was considered, at least partially, for one design bases event. UFSAR Section 15.2.4.5.1, ''Fission Product Release from Fuel,'' for the main steam isolation valve closure event stated:

While no fuel rods are damaged as a consequence of this event, fission product activity associated with normal coolant activity levels as well as that released from previously defective rods is released to the suppression pool as a consequence of SRV [safety relief valve] actuation and vessel depressurization.

The aforementioned design bases events (e.g., control rod withdrawal error at power, loss of feedwater heating, et al.) are *not* bound by these results because the radioactive material is not ''scrubbed'' by the suppression pool water as it is in the MSIV [main steam isolation valve] closure event.

As previously stated, the Petitioner cited four references to the USAR accident analysis section entitled ''Barrier Performance.'' At issue are essentially equivalent statements made where the USAR stated, in part, that the defense-in-depth ''barriers maintain their integrity and function as designed.'' The UCS concluded that operation with preexisting fuel failures is, therefore, outside the River Bend design and licensing bases. In stating that barriers are ''maintained,'' the USAR clearly implies that the events themselves do not result in additional fuel cladding failures. To further support this conclusion, the radiological consequences described for three of the four events (Section 15.1.2, ''Feedwater Controller Failure—Maximum Demand''; Section 15.1.3, ''Pressure Regulator Failure—Open''; and Section 15.2.1, ''Pressure Regulator Failure—Closed'') are, indeed, bounded by an event that takes into consideration the effects of preexisting cladding failures. The three preceding events all result in actuation of the safety relief valves (SRVs) to the suppression pool. The USAR discussion (see USAR section titled ''Radiological Consequences'') notes that radioactivity is discharged to the suppression pool, and that the activity discharged is much less than those consequences identified in USAR Section 15.2.4.5 (for the MSIV closure event).

The MSIV closure event, as described in the USAR, clearly considers the activity released from ''previously defective rods'' in determining dose consequences. The source term used in these calculations assumes the same iodine and noble gas activity as an initial condition as is used in the basis for determining RCS activity technical specifications limits. USAR Section 15.2.4.5.1, ''Fission Product Release from Fuel,'' also explains, ''Since each of those transients identified previously which cause SRV actuation results in various vessel depressurization and steam blowdown rates, the transient evaluated in this section [the MSIV closure event] is that one which maximizes the radiological consequences for all transients of this nature.'' Thus, the USAR explicitly describes how ''the aforementioned design-basis events'' are bounded by the results for the MSIV closure event, for those events resulting in an SRV actuation. Furthermore, USAR Section 15.1.1.5 describing the fourth event, the loss of feedwater heating, also states that ''this event does not result in any additional fuel failures,'' further reinforcing the staff's position.

The quotation taken from the control rod withdrawal error from power and recirculation flow control error event descriptions—''[a]n evaluation of the radiological consequences was not made for this event since no radioactive material is released from the fuel''—appears to be taken out of context. Considering the many references ostensibly permitting operation with preexisting fuel cladding failures found within the USAR, technical specifications, NRC regulations, staff implementing guidelines, and other licensing-basis documents, the intent of this statement is clearly that no *additional* radioactive material is released from the fuel as a consequence of the event.

Finally, in each of the accident analysis cases listed in the Petition, the event is classified as a ''moderate frequency'' event (or an ''anticipated operational transient''). Specific criteria for unacceptable consequences are delineated in USAR Table 15A.2–2. For this type of anticipated transient, unacceptable performance of the fuel is described as, ''[r]eactor operation induced *fuel cladding failure as a direct result of the transient* analysis above the MCPR [Minimum Critical Power Ratio] uncertainty level (0.1%)'' (emphasis added). Therefore, fuel cladding defects existing before the accident are not precluded from consideration.

c. Fuel Cladding Defect Propagation

The Petition then raised concerns regarding the possibility that preexisting fuel cladding defects could propagate under design-basis transients (as stated):

As detailed in UCS's April 1998 report on reactor operation with failed fuel cladding, it has not been demonstrated that the effects from design basis transients and accidents (i.e., hydrodynamic loads, fuel enthalpy changes, etc.) prevent pre-existing fuel failures from propagating. It is therefore possible that significantly more radioactive material will be released to the reactor coolant system during a transient or accident than that experienced during steady state operation. Thus, the existing design bases accident analyses for River Bend Station do not bound its current operation with known fuel cladding failures.

As previously stated in the evaluation of generic issues raised by the April 1998 UCS report, the staff has previously considered the safety implications of operation with fuel leakage on a generic basis. In GSI B–22, the staff considered the ability to accurately predict fuel performance under normal and accident conditions. In its evaluation of the issue, the staff concluded that releases during normal operation would be increased because of fuel defects, but would not be increased beyond regulatory limits. The staff also concluded that the release from fuel damage during design-basis accidents and severe accidents would be much larger than the release attributed to preexisting fuel defects, and the magnitude of the release would not be

significantly affected by preexisting fuel defects. Therefore, the consequence from leaking fuel was determined to be very small.

The Petitioner has, however, noted some apparent inconsistencies in documentation of the licensing basis as found in the USAR for River Bend that could be taken out of context. The statements cited for two events—the control rod withdrawal error from power and recirculation flow control error—are not consistent with the other parts of the River Bend licensing basis discussed in this evaluation. The technical basis for coolant activity limits clearly permits operation with a limited amount of fuel leakage and, as discussed, the design basis does not preclude the possibility of limited fuel leakage during operation. Therefore, although these events should not cause fuel damage, preexisting leakage could still be a consideration, and only the activity in the reactor system coolant up to the technical specification limit would be available for release. The MSLB is considered the limiting event with respect to release of coolant activity from leaking fuel. The staff expects that the consequences of the MSLB would bound those that would be predicted for the control rod withdrawal error from power or the recirculation flow control error events. Thus, the minor discrepancies uncovered by the Petitioner in the documentation of the plant licensing basis do not constitute a safety concern requiring NRC action.

The licensee has taken actions to limit the effects of the minor fuel rod defects at River Bend reported on September 21, 1998. The control rod pattern has been altered to achieve a depressed flux profile in the vicinity of the leaking rods, thereby suppressing the production of fission products as the plant continues operation at slightly less than full power. Following the initial detection of a leaking rod, the licensee reduced the activity in the pretreatment offgas sample from 22.5 mCi/sec to 1.8 mCi/sec, which was very close to the prefuel-leak level of 1 mCi/sec. The peak value was never more than a small fraction of the technical specification limit of 290 mCi/sec. The offgas treatment system has been effectively eliminating any detectable radioactivity in offgas effluent, and only small dose rate increases were observed in areas of the plant in which offgas system components are located. Since work is not normally performed in those areas, the licensee did not institute any additional exposure controls. However, the licensee is continuing to closely monitor the offgas system to ensure that the coolant activity concentration remains within technical specifications limits.

d. ALARA Concerns

The Petitioner further stated that Entergy Operations, Inc., was violating its licensing basis with regard to the ALARA worker protection program (as stated):

> In addition to operating with non-bounding design bases accident analyses, it appears that the River Bend licensee is also violating its licensing basis for worker radiation protection. UFSAR Section 12.1.1, ''Policy Consideration,'' stated:
>
> The purpose of the ALARA [as low as reasonably achievable] program is to maintain the radiation exposure of plant personnel as far below the regulatory limits as is reasonably achievable.
>
> UFSAR Section 12.1.2.1, ''General Design Considerations for ALARA Exposures,'' stated that River Bend's efforts to maintain in-plant radiation exposure as low as is reasonably achievable included:
>
> Minimizing radiation levels in routinely occupied plant areas and in vicinity of plant equipment expected to require the attention of plant personnel.
>
> According to the NRC Information Notice No. 87–39, ''Control of Hot Particle Contamination at Nuclear Plants:''
>
> A plant operating with 0.125 percent pin-hole fuel cladding defects showed a five-fold increase in whole-body radiation exposure rates in some areas of the plant when compared to a sister plant with high-integrity fuel (<0.01 percent leakers). Around certain plant systems the degraded fuel may elevate radiation exposure even more.
>
> Industry experience demonstrated that reactor operation with failed fuel cladding increased radiation exposures for plant workers. The River Bend licensee has a licensing basis requirement to maintain radiation exposures for plant workers as low as is reasonably achievable. The River Bend licensee informed the NRC about potential fuel cladding failures. It could shut down the facility and remove the failed fuel assemblies from the reactor core. Instead, it continues to operate the facility with higher radiation levels.

In its letter to the NRC dated February 11, 1999, the River Bend licensee stated that if the plant were to shut down solely to remove leaking fuel bundles, worker exposure would be increased since additional exposure would later be incurred for normal shutdown and maintenance activities. Also, during the February 22, 1999, informal public hearing on the Petition, the River Bend licensee stated that dose rates in the general plant areas are essentially unchanged and that the average daily dose to plant workers has remained at the historical level of approximately 0.14 person-rem per day during normal operations. River Bend has seen some increased levels in dose rates in isolated areas, such as in rooms containing offgas system equipment; however, these areas are not routinely occupied and access to the rooms are controlled by the health physics department. The licensee stated that if a 14-day outage were conducted to remove defective fuel bundles, the outage would incur a worker dose on the order of 9 person-rem for reactor disassembly, reassembly, and refueling activities. This exposure would be in addition to that incurred from activities planned for the scheduled refueling outage. The licensee contends that shutting down in this situation to replace leaking fuel would be an action contrary to ALARA. The staff agrees that conducting plant shutdown only to address the current situation at River Bend would be contrary to the ALARA principle for plant workers, provided exposure levels remain at their current values.

River Bend has two independent radiation-detection systems capable of sensing fission-product release from leaking fuel rods—main steam line radiation monitors and offgas system radiation monitors. The main steam line radiation monitors are used to detect high radiation levels from gross fuel failure. The offgas system radiation monitors can detect low-level emissions of noble gases, which are indicative of minor fuel damage. The offgas system monitor indication signaled the recent fuel damage found at River Bend.

The actions taken by the licensee to limit further fuel damage, as well as the continued attention to reactor coolant activity and offgas radiation levels, provide confidence that River Bend can continue safe operation, within its licensing basis, with the limited fuel leakage recently detected.

C. Plant-Specific Concerns—Perry Nuclear Power Plant

On the basis of the reported fuel leakage at Perry, the Petitioner states that the generic concerns contained in the UCS report apply to the Perry plant. In the opinion of the Petitioner, plant licensing bases do not permit operation of the plant with known fuel leakage.

As discussed in the consideration of generic safety concerns, the staff does not agree that pre-existing fuel cladding defects and resultant fuel leakage violate plant licensing bases. The staff also considers that conclusion valid for Perry. Fuel leakage during plant operation is not precluded by licensing basis provisions requiring that fuel integrity be maintained as designed. The Perry design basis itself allows the possibility of leakage while ensuring that cladding damage does not result because of specific operationally related causes. Fuel is also designed to

maintain its structural integrity to ensure core coolability and to ensure that control rods can be inserted.

The Updated Safety Analysis report (USAR) for Perry contains unacceptable consequences criteria for different event categories (USAR Tables 15A.2–1 through 15A.2–4). The unacceptable consequences for normal operation do not preclude fuel leakage. The second criterion listed precludes fuel failure to the extent that the limits of 10 CFR Part 20 would be exceeded. The unacceptable consequences for anticipated operational transients prohibit fuel failure predicted as a direct result of transient analysis. For abnormal transients and design-basis accidents, widespread fuel cladding perforations and fuel cladding fragmentation are prohibited.

Two parts of the fuel system licensing basis for Perry show that limited fuel leakage during plant operation is a design consideration. The fuel system design basis for Perry is given in the USAR Section 15B by reference to the generic topical report ''General Electric Standard Application for Reactor Fuel,'' NEDE–24011–P–A. The generic topical report details fuel cladding operating limits to ensure that fuel performance is maintained within fuel rod thermal and mechanical design and safety analysis criteria. The limits are given for normal operating conditions and AOOs in terms of specific mechanical and thermal specifications. Evaluations of specific fuel failure mechanisms under normal operation and AOOs were discussed, such as stress and strain, hydraulic loads, fretting, and internal gas pressure, to ensure that fuel failure did not result from these causes. The design bases did not preclude the possibility that fuel failure could occur for other reasons, such as pre-existing cladding flaws leading to leakage.

The Technical Specifications for Perry (Section 3.4.8) contain a limit for RCS specific activity. The basis for this limit is the same as that discussed in the consideration of the generic safety concerns. Section B3.4.8 of the Perry Technical Specification ''Bases'' acknowledges that ''the reactor coolant acquires radioactive materials due to release of fission products from fuel leaks.'' Thus, fission products released during plant operation are clearly considered to be contributors to the source term used for safety analysis of the main steamline break release consequences. The technical specifications state that the limit is set to ensure that any release as a consequence of a main steamline break is less than a small fraction of the 10 CFR Part 100 guidelines. These portions of the Perry licensing basis are consistent with NRC regulations regarding fuel performance and the associated NRC guidance used by licensees to implement those NRC regulations that were covered earlier in the discussion regarding generic concerns.

The licensee has taken actions to limit the effects of the existing minor fuel leaks at Perry. The control rod pattern has been altered to achieve a depressed flux profile in the vicinity of the leaking rods, thereby suppressing the production of fission products as the plant continues operation. The off-gas treatment system has been effectively eliminating radioactivity in off-gas effluent, and there has been no change in general radiation area dose rates. However, the licensee is continuing to closely monitor the off-gas system pre-treatment radiation levels and is ensuring that the coolant activity concentration remains within technical specifications limits.

Perry has two independent radiation detection systems capable of sensing fission product release from leaking fuel rods: main steamline radiation monitors and off-gas system radiation monitors. The main steamline radiation monitors are used to detect high radiation levels from gross fuel failure. The off-gas system radiation monitors can detect low-level emissions of noble gases, which are indicative of minor fuel damage.

In its letter to the NRC dated February 11, 1999, the Perry licensee stated that if the plant were to shut down solely to remove fuel bundles exhibiting leakage, plant worker exposure would be increased since additional exposure would later be incurred for normal shutdown and maintenance activities. The licensee contends that shutting down in this situation to replace leaking fuel would be an action contrary to ALARA. The staff agrees that conducting plant shutdown only to address the current situation at Perry would be contrary to the ALARA principle for plant workers, provided exposure levels remain at their current values.

The actions taken by the licensee to limit further fuel damage, as well as the continued attention to reactor coolant activity and off-gas radiation levels, provide confidence that Perry can continue safe operation, within its licensing basis, with the limited fuel leakage detected.

IV. Conclusion

The Petitioner's requests are denied for the reasons specified in the preceding sections that discuss the Petitioner's information supporting the request. The Petitioner did not submit any significant new information about safety issues. Neither the information presented in the Petition nor any other subsequent information of which the NRC is aware warrants the actions requested by the Petitioner.

A copy of this Director's Decision will be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c). This Decision will become the final action of the Commission 25 days after its issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 18th day of April 1999.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 99–10357 Filed 4–23–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: RI 25–15

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. RI 25–15, Notice of Change In Student's Status, is used to collect sufficient information from adult children of deceased Federal employees or annuitants to assure that the child continues to be eligible for payments from OPM.

Comments are particularly invited on:

—Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection

techniques or other forms of information technology.

Approximately 2,500 certifications are processed annually. Each form takes approximately 30 minutes to complete. The annual estimated burden is 1250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before June 25, 1999.

ADDRESSES: Send or deliver comments to Dennis A. Matteotti, Acting Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Phyllis R. Pinkney, Budget & Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–10400 Filed 4–23–99; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

January 1999 Pay Adjustments

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The rates of basic pay and locality payments for certain categories of Federal employees were adjusted in January 1999, as authorized by the President. This notice documents those pay adjustments for the public record.

FOR FURTHER INFORMATION CONTACT: Denise Jenkins, Office of Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, (202) 606–2858, FAX (202) 606–0824, or email to payleave@opm.gov.

SUPPLEMENTARY INFORMATION: On December 7, 1998, the President signed Executive Order 13106 at 63 FR 68151, published on December 9, 1998, which established the January 1999 across-the-board adjustments for the statutory pay systems and the 1999 locality pay adjustments for General Schedule (GS) employees in the 48 contiguous States and the District of Columbia. These adjustments were made in accordance with section 647 of the Treasury and General Government Appropriations Act, 1999, as contained in Division A, section 101(h), of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277, October 21, 1998). The 1999 General Schedule, reflecting a 3.1 percent general increase, was published as Schedule 1 of Executive Order 13106. Executive Order 13106 also included the percentage amounts of the 1999 locality payments. (See Section 5 and Schedule 9 of Executive Order 13106.) The publication of this notice satisfies the requirement in section 5(b) of Executive Order 13106 that the Office of Personnel Management (OPM) publish appropriate notice of the 1999 locality payments in the **Federal Register**.

Locality payments are authorized for General Schedule employees under 5 U.S.C. 5304. They apply in the 48 contiguous States and the District of Columbia. In 1999, there are 32 separate locality pay areas with locality payments ranging from 5.87 percent to 13.06 percent. These 1999 locality pay percentages, which replaced the locality pay percentages that were applicable in 1998, became effective on the first day of the first applicable pay period beginning on or after January 1, 1999. An employee's locality-adjusted annual rate of pay is computed by increasing his or her scheduled annual rate of basic pay (as defined in 5 U.S.C. 5302(8) and 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.605.)

On December 7, 1998, the President's Pay Agent extended the 1999 locality-based comparability payments to the same Governmentwide and single-agency categories of non-GS employees that were authorized to receive the 1998 locality payments. The Governmentwide categories include members of the Senior Executive Service (SES), the Foreign Service, the Senior Foreign Service, employees in senior-level (SL) and scientific or professional (ST) positions, administrative law judges, and members of Boards of Contract Appeals.

In accordance with section 621 of the Treasury and General Government Appropriations Act, 1999, Executive Order 13106 provided no increase in the rates for the Executive Schedule. The Executive order reflects a decision by the President to increase the rates of basic pay for SES members by 3.1 percent (rounded to the nearest $100) at levels ES–1 through ES–4. Since the maximum rate of basic pay for SES members is limited by law to the rate for level IV of the Executive Schedule, which was not increased, the ES–5 and ES–6 rates of basic pay were not increased in 1999.

The rates of basic pay for administrative law judges (ALJs) and Board of Contract Appeals (BCA) members are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372 and 5372a.) Therefore, the ALJ and BCA rates of basic pay were not increased. Also, the maximum rate of basic pay for senior-level (SL) and scientific or professional (ST) positions was not increased because it is tied to the rate for level IV of the Executive Schedule. The minimum rate of basic pay for SL/ST positions is equal to 120 percent of the minimum rate of basic pay for GS–15, and it was increased by 3.1 percent (to $89,728) because of the 3.1 percent across-the-board GS pay adjustment. (See 5 U.S.C. 5376.)

OPM has published ''Salary Tables for 1999'' (OPM Doc. 124–48–6, March 1999), which provides complete salary tables incorporating the 1999 pay adjustments, information on general pay administration matters, locality pay area definitions, Internal Revenue Service withholding tables, and other related information. The rates of pay shown in ''Salary Tables for 1999'' are the official rates of pay for affected employees and are hereby incorporated as part of this notice. Copies of ''Salary Tables for 1999'' may be purchased from the Government Printing Office (GPO) by calling (202) 512–1800 or FAX (202) 512–2250. Copies of ''Salary Tables for 1999'' may also be ordered directly from GPO on the Internet at *http://www.gpo.gov/su__docs/sale/prf/prf.html*. In addition, pay tables may be downloaded from OPM's Internet website at *http://www.opm.gov/oca/payrates/index.htm*. Pay schedules also may be downloaded directly from OPM's electronic bulletin board, OPM ONLINE, which is reached by dialing (202) 606–4800 via modem.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–10402 Filed 4–23–99; 8:45 am]

BILLING CODE 6325–01–P

POSTAL SERVICE

Periodicals Rate Anomaly

AGENCY: Postal Service.

ACTION: Notice of procedure for periodicals rate anomaly.

SUMMARY: This notice will advise Periodicals mailers of Nonprofit and Classroom publications of a procedure that has been established by the Postal Service to track differences between

postage paid at Nonprofit and Classroom Periodicals rates on a mailing and postage that is calculated to be less at Regular Periodicals rates as a result of an anomaly in the rate structure. These procedures coincide with a request for a Recommended Decision, submitted by the Postal Service to the Postal Rate Commission, which will propose to amend the Domestic Mail Classification Schedule (DMCS) to allow Nonprofit and Classroom mailers to use Regular rates for issues for which the applicable postage would be lower under the Regular rate schedules.

EFFECTIVE DATE: April, 9, 1999.

ADDRESSES: Manager, Business Mail Acceptance, U.S.P.S. Headquarters, 475 L'Enfant Plaza SW, Washington, DC 20260–6808.

FOR FURTHER INFORMATION CONTACT: Jerome M. Lease, (202) 268–5188.

SUPPLEMENTARY INFORMATION: The procedure to be followed is similar to the pending procedures that exist for mailings of publications at Regular Periodicals rates while an application for special Periodicals privileges is pending action by the Postal Service. See Domestic Mail Manual (DMM) E270.8.0–9.0. The new procedures will allow the mailer to submit postage and a properly completed PS Form 3541–N, Postage Statement—Periodicals Nonprofit Rates, for mailings at nonprofit Periodicals rates (or PS Form 3541–NC, Postage Statement—Periodicals Classroom Rates, for Classroom), while simultaneously submitting a completed PS Form 3541–R, Postage Statement—Periodicals Regular and Science of Agriculture Rates, (annotated with the words ''Pending Application'') for postage computed at regular rates on the same mailing, if it is determined to be less than nonprofit postage. At the time of mailing, postage will be paid as computed on the appropriate Nonprofit or Classroom mailing statement. If the proposed DMCS change is implemented, subsequent to a Recommended Decision by the Postal Rate Commission and a decision by the Governors, instructions will be issued to grant refunds to publishers for mailings for which an application and both relevant mailing statements were submitted at the time of mailing, and for which the Nonprofit or Classroom postage paid was higher than the otherwise applicable Regular postage. For these purposes, an application will consist of a written statement that the mailer is currently authorized to use either Classroom or Nonprofit Periodicals rates and wishes to retain that authorization, but also wishes to be considered under these procedures for a refund to be calculated with reference to the Regular and preferred rate mailing statements submitted with the application. Once such a DMCS change is implemented, Nonprofit and Classroom mailers will be able to pay postage initially at the Regular Periodicals rates, and this procedure for determining subsequent refunds will no longer be necessary.

In general, all mailings of the same issue are expected to be uniformly entered, either with an application for a subsequent refund (i.e., so that the mailer ultimately may pay the Regular rate), or without an application for a subsequent refund (i.e., so that the mailer pays the Nonprofit or Classroom rates). Within any 10-day period, mailers are not allowed to split mailings of the same issue in order to obtain a rate advantage. During the time the procedures are in effect, it may be possible that a publisher will wish to present an application for a subsequent refund for a mailing (or mailings) which constitute the main run of an issue, but will not wish to submit a similar application for a later supplementary mailing of the same issue. This might occur if the Regular Periodicals rates were lower for the main run mailing(s), but the Nonprofit rates were lower for a supplementary mailing because, for example, the depth of sort was not comparable to the original mailing. The only circumstances under which this would be permissible would be if no mailing of copies of the same issue had been submitted with an application for refund on the date of mailing or in the previous 9 days. If mailers submit a mailing of copies of an issue without a refund application, and have on the same day or within the previous 9 days submitted a mailing of copies of the same issue with a refund application, the refund application will be denied.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–10281 Filed 4–23–99; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23791; 812–11028]

American AAdvantage Funds, et al.; Notice of Application

April 19, 1999.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application under section 12(b)(1)(J) of the Investment Company Act of 1940 (''Act'') exempting applicants from section 12(d)(1) of the Act, sections 6(c) and 17(b) of the Act exempting applicants from section 17(a) of the Act, and section 17(d) of the Act and rule 17d–1 under the Act permitting certain joint transactions.

Summary of Application: The order would permit certain registered open-end investment companies to use their cash reserves (''Uninvested Cash'') to purchase shares of affiliated money market funds and to use cash collateral from securities lending transactions (''Cash Collateral'') to purchase shares of affiliated money market funds or affiliated private investment funds. The order also would permit certain registered investment companies to pay fees based on a share of the revenue generated from securities lending transactions to an affiliated lending agent. The order would supersede a prior order (''Prior Order'').[1]

Applicants: American AAdvantage Funds (the ''AAdvantage Trust''), American AAdvantage Mileage Funds (the ''Mileage Trust'' and, together with the AAdvantage Trust, the ''American Trusts''), AMR Investment Service Trust (the ''AMR Trust'' and, together with the American Trusts, the ''Trusts''), AMR Investments Strategic Cash Business Trust (the ''Strategic Cash Trust''), AMR Investments Enhanced Yield Business Trust (the ''Enhanced Yield Trust'' and, together with Strategic Cash Trust, the ''Private Funds''), and AMR Investment Services, Inc. (the ''Adviser'').

Filing Dates: The application was filed on February 25, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 13, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

[1] American AAdvantage Funds, Investment Company Act Release Nos. 22336 (Nov. 15, 1996) (notice) and 22390 (Dec. 11, 1996) (order).

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 4333 Amon Carter Boulevard, MD 5645, Fort Worth, Texas 76155.

FOR FURTHER INFORMATION CONTACT: J. Amanda Machen, Senior Counsel, at (202) 942–7120, or Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. The AAdvantage Trust and the Mileage Trust are Massachusetts business trusts registered under the Act as open-end management investment companies. The AAdvantage Trust and the Mileage Trust each have nine series (each series, individually, a ''Fund'' and, collectively, ''Funds''). Under a master-feeder operating structure, each Fund, with one exception, invests its investable assets in a corresponding series (''Portfolio'') of the AMR Trust, a New York common law trust registered under the Act as an open-end management investment company.[2] The AMR Trust currently consists of eight Portfolios. The AMR Trust sells its shares to the AAdvantage Trust, the Mileage Trust, and other institutions pursuant to section 4(2) of the Securities Act of 1993. State Street Bank and Trust Company (''State Street'') serves as custodian (''Custodian'') for the assets for each Trust, and each Trust has the same board of trustees (''Board'').

2. The Private Funds, both organized as Massachusetts business trusts, are private investment companies relying on section 3(c)(1) of the Act. The Private Funds offer daily redemption of their shares. The Strategic Cash Trust values its portfolio using the amortized cost method and complies with the requirements of rule 2a–7 under the Act. The Enhanced Yield Trust seeks to achieve its objective by investing in high quality money market instruments and variable rate obligations and maintains a maximum average maturity of its portfolio of not more than one year.

3. The adviser, a wholly-owned subsidiary of AMR Corporation, the parent corporation of American Airlines, Inc., is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser and provides administrative services to the AMR Trust, and provide administrative services to the American Trusts.[3] The Adviser also serves as sole trustee to the Private Funds.

4. Each of the Portfolios has, or may be expected to have, Uninvested Cash held by its Custodian. Uninvested Cash may result from a variety of sources, including dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of investment securities to meet anticipated redemptions, dividend payments, or new monies received from investors.

5. Applicants propose that the Portfolios use Uninvested Cash to purchase shares of one or more existing or future money market series of AMR Trust, or any other money market fund advised by the Adviser (''Money Market Portfolios'') (each Portfolio, including a Money Market Portfolio, that purchases shares of the Money Market Portfolios, an ''Investing Portfolio''). An Investing Portfolio's aggregate investment of Uninvested Cash in Money Market Portfolios will not exceed 25% of the Investing Portfolio's total assets and will be in accordance with the Investing Portfolio's investment restrictions and policies described in its prospectus and statement of additional information.

6. Each Fund, through its corresponding Portfolio, has the ability to increase its income by lending portfolio securities to registered broker-dealers or other institutional investors deemed by the Adviser to be of good standing (''Borrowers''). Under the Prior Order, the Trusts may invest Cash Collateral received from Borrowers in Private Funds. Applicants now seek an order that would supersede the Prior Order and permit the Investing Portfolios to invest Cash Collateral in shares of the Money Market Portfolios or the Private Funds or any future private fund advised by the Adviser (together, the ''Underlying Funds''). No Money Market Portfolio that is an Investing Portfolio will be an Underlying Fund.

7. Pursuant to a securities lending agreement (''Securities Lending Agreement''), State Street, which currently is not affiliated with the Adviser or any affiliate of the Adviser, acts as the securities lending agent for each Portfolio (''Securities Lending Program''). A majority of the Board of each Trust (including a majority of the trustees who are not ''interested persons'' within the meaning of the Act) (''Independent Trustees'') approved the participation of the Portfolios in the Securities Lending Program and will review the program annually.

8. As collateral for the securities loaned, State Street is authorized to accept cash and, upon consent of the Portfolio, may accept other types of instruments such as U.S. Government securities or irrevocable letters of credit. Under the Securities Lending Agreement, Cash Collateral may be invested in shares of registered or unregistered investment companies that are approved by the Board and are consistent with the investment restrictions and guidelines of the participating Portfolios (except as the investment may be limited by section 12(d)(1) of the Act).

9. The Adviser provides certain services in connection with the Securities Lending Program and ensures compliance with applicable regulatory and investment guidelines. The Adviser determines which securities are available for loan and has the discretion and power to prevent any loan from being made or to terminate any loan. The Adviser also monitors State Street to ensure that securities loans are effected in accordance with its instructions and within the procedures adopted by the Board of the AMR Trust.

10. Each Portfolio earns interest and dividend income from the investment of Cash Collateral (''Cash Collateral Income''), from which it pays the Borrower an agreed-upon fee. The Portfolio then splits the remaining Cash Collateral Income with State Street and the Adviser.[4] When the collateral is not cash, the Borrower pays the Portfolio a loan fee equal to a percentage of the market value of the loaned securities and State Street receives a portion of the loan fee as compensation for its services in connection with the Securities Lending Program.

[2] The American AAdvantage S&P Index Fund invests all of its investable assets in the Equity 500 Index Portfolio, a registered open-end investment company advised by Bankers Trust Company.

[3] Applicants request relief for the Trusts, and all subsequently registered open-end investment companies that are advised by the Adviser or any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser. All existing investment companies that currently intend to rely on the order have been named as applicants. Any entities that rely on the requested order in the future will do so in accordance with the terms and conditions in the application.

[4] Applicants state that this compensation to the Adviser is for services provided in connection with the Securities Lending Program pursuant to a supplement to the investment advisory agreement for each Trust approved in accordance with section 15 of the Act.

11. State Street also acts as securities lending agent for other institutions that loan their portfolio securities. State Street may purchase shares of the Underlying Funds on behalf of, and with Cash Collateral from, these institutions. As a result, State Street may hold directly or through a nominee more than 5% of the outstanding shares of an Underlying Fund and thus could be an affiliated person (or an affiliated person to an affiliated person) of the Portfolios. Accordingly, applicants request relief to permit the Portfolios to pay fees based on a share of the revenue generated from securities lending transactions to State Street when it becomes an affiliated person solely by holding more than 55 of the shares of an Underlying Fund.

Applicant's Legal Analysis

A. Investment of Uninvested Cash and Cash Collateral in Money Market Portfolios and Private Funds

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company representing more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or, together with the securities of other investment companies, more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(J) of the Act provides that the SEC many exempt any person or transaction from any provision of section 12(d)(1) if and to the extent that the exemption is consistent with the public interest and the protection of investors.

3. Applicants request an exemption under section 12(d)(1)(J) to permit each Investing Portfolio to use Uninvested Cash and Cash Collateral to acquire shares of a Money Market Portfolio in excess of the limits imposed by section 12(d)(1)(A) of the Act, so long as the Investing Portfolio's aggregate investment of Uninvested Cash in shares of Money Market Portfolios does not exceed 25% of the Investing Portfolio's total assets at any time. Applicants' proposal also would permit the Money Market Portfolios to sell their securities to an Investing Portfolio in excess of the percentage limitations in section 12(d)(1)(B). Applicants represent that no Money Market Portfolio which is an Underlying Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

4. Applicants state that none of the abuses meant to be addressed by section 12(d)(1) of the Act is created by the proposed investment of Uninvested Cash and Cash Collateral in Money Market Portfolios. Applicants further state that access to the Money Market Portfolios and Private funds will enhance each Investing Portfolio's ability to manage and invest Uninvested Cash and Cash Collateral. Applicants represent that the proposed arrangement will not result in an inappropriate layering of fees because the Money Market Portfolios and Private Funds will not charge a sales load, redemption fee, distribution fee adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the National Association of Securities Dealers, Inc. (''NASD'') conduct Rules). In addition, in connection with approving any advisory contract, the Investing Portfolio's Board, including a majority of the Independent Trustees, will consider to what extent, if any, the advisory fees charged to the Investing Portfolio by the Adviser should be reduced to account for reduced services provided when Uninvested Cash is invested in Money Market Portfolios.

5. Sections 17(a)(1) and 17(a)(2) of the Act prohibit an affiliated person of a registered investment company, or any affiliated person of the affiliated person (''Second Tier Affiliate''), acting as principal, from selling any security to, or purchasing any security from the registered investment company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include: any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; any person directly or indirectly controlling, controlled by, or under common control with, the other person; and, in the case of an investment company, its investment adviser.

6. Applicants state that the Adviser, by serving as investment adviser to the Funds, Portfolios, and Private Funds, is an affiliated person of each of these entities and that, by virtue of having the same Adviser, the Funds, Portfolios, and Private Funds may be considered affiliated persons of each other under section 2(a)(3) of the Act. As a result, the sale of shares of Money Market Portfolios and Private Funds to the Investing Portfolios and the redemption of the shares would be prohibited under section 17(a) of the Act.

7. Section 17(b) of the Act authorizes the SEC to exempt a transaction from section 17(a) of the Act if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

8. Section 6(c) of the Act authorizes the SEC to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

9. Applicants request an order under sections 6(c) and 17(b) of the Act to permit the Investing Portfolios to use their Invested Cash to purchase shares of the Money Market Portfolios and to use their Cash Collateral to purchase shares of the Underlying Funds and to permit the redemption of the shares. Applicants maintain that the terms of the proposed transactions are reasonable and fair because the Investing Portfolios will be treated like any other investors in the Money Market Portfolios and Private Funds, and will purchase and sell shares on the same terms and on the same basis as shares are purchased and sold by all other shareholders of the Money Market Portfolios and Private Funds. Applicants assert that the proposed transactions comply with each Portfolio's investment restrictions and policies. Applicants state that Cash Collateral of an Investing Portfolio that is a Money Market Portfolio will not be used to acquire shares of any Private Fund that does not comply with rule 2a–7 under the Act. Applicants further state that the investment of Cash Collateral will comply with all present and future SEC and staff positions concerning securities lending. Applicants also state that the Private Funds will comply with the major substantive provisions of the Act, including the prohibitions against affiliated transactions, leveraging and issuing senior securities, and rights of redemption.

10. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person or principal underwriter for a registered investment company, or a Second Tier Affiliate,

acting as principal, from effecting any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which the investment company participates, without an order of the SEC.

11. Applicants state that, upon acquiring 5% or more of an Underlying Fund, State Street could become an affiliated person or a Second Tier Affiliate of the Portfolio. Applicants also state that the Investing Portfolios (by purchasing shares of the Money Market Portfolios and Private Funds), the Adviser (by managing the assets of the Investing Portfolios invested in the Money Market Portfolios and Private Funds), and the Money Market Portfolios and Private Funds (by selling shares to and redeeming them from the Investing Portfolios) could be deemed to be participants in a joint enterprise or other joint arrangement within the meaning of section 17(d) of the Act and rule 17d–1 under the Act. Applicants request an order in accordance with section 17(d) and rule 17d–1 to permit certain transactions incident to investment in the Money Market Portfolios and the Private Funds.

12. Under rule 17d–1, in passing on applications for orders under section 17(d), the SEC considers whether the company's participation in the joint enterprise is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants. Applicants submit that the proposed transactions meet these standards.

13. Applicants state the investment by the Investing Portfolios in shares of Money Market Portfolios and Private Funds will be on the same basis and will be indistinguishable from any other shareholder account maintained by the Money Market Portfolios and Private Funds. Applicants also maintain that, to the extent any of the Investing Portfolios invests in the Money Market Portfolios and Private Funds as proposed, each Investing Portfolio will participate on a fair and reasonable basis in the returns and expenses of the Money Market Portfolios and Private Funds.

B. Payment of Lending Agent Fees to State Street

1. As noted above, section 17(d) and rule 17d–1 generally prohibit joint transactions involving registered investment companies and certain of their affiliates unless the SEC has approved the transaction. Applicants state that State Street may hold with power to vote 5% or more of an Underlying Fund's shares and, thus, may be an affiliated person or a Second Tier Affiliate of the Portfolios. Applicants further state that a lending agent agreement between the Portfolios and State Street, under which compensation is based on a share of the revenue generated by State Street's lending agent activities, may be a joint enterprise or other joint arrangement or profit sharing plan within the meaning of section 17(d) and rule 17d–1. Consequently, applicants request an order to permit State Street, if it becomes an affiliated person of the Portfolios solely by holding over 5% of the shares of an Underlying Fund, to receive a portion of the revenue generated by the Investing Portfolios' securities lending activities.

2. Applicants represent that in no event will the Investing Portfolios' lending fee arrangement with State Street be influenced by State Street's investment of its client's Cash Collateral in the Underlying Funds. Each Portfolio that has entered into the Securities Lending Program (''Lending Portfolio'') also has adopted the following procedures to ensure that the proposed fee arrangement and other terms governing the relationship with State Street, as lending agent, met the standards of rule 17d–1:

(a) In connection with the approval of State Street as lending agent for a Lending Portfolio and implementation of the arrangement whereby State Street would be compensated as lending agent based on a percentage of the revenue generated by a Lending Portfolio's participation in the Securities Lending Program, a majority of the Board (including a majority of the Independent Trustees) determined that (i) the contract with State Street was in the best interests of the Lending Portfolio and its shareholders; (ii) the services to be performed by State Street were appropriate for the Lending Portfolio; (iii) the nature and quality of the services provided by State Street were at least equal to those provided by others offering the same or similar services for similar compensation; and (iv) the fees for State Street's services were fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality.

(b) Each Lending Portfolio's contract with State Street for lending agent services will be reviewed annually by the Board and will be approved for continuation only if a majority of the Board (including a majority of the Independent Trustees) makes the findings referred to in paragraph (a) above.

(c) In connection with the initial implementation of the agreement whereby State Street would be compensated as lending agent based on a percentage of the revenue generated by a Lending Portfolio's participation in the Securities Lending Program, the Adviser obtained price quotes from at least three independent lending agents and presented the Board with summary information regarding the proposed securities lending arrangements and related price quotes to assist the Board in making the findings referred to in paragraph (a) above. All of the information provided to the Adviser, including each price quote, was available to the Board. The findings and the basis upon which the findings were made are set forth in the amended minutes of the meeting held to consider the arrangement with State Street and will be maintained as part of the books and records described in paragraph (e) below.

(d) The Board, including a majority of the Independent Trustees, will: (i) at each regular quarterly meeting determine that the loan transactions during the prior quarter were conducted in compliance with the conditions and procedures set forth in the application, and (ii) review no less frequently than annually the conditions and procedures set forth in the application for continuing appropriateness.

(e) Each Lending Portfolio will: (i) Maintain and preserve permanently in an easily accessible place a written copy of the procedures and conditions (and modifications thereto) described in the application or otherwise followed in connection with lending securities under the Securities Lending Program, and (ii) maintain and preserve for a period of not less than six years from the end of the fiscal year in which any loan transaction under the Securities Lending Program occurred, the first two years in an easily accessible place, a written record of each loan transaction setting forth a description of the security loaned, the identity of the person on the other side of the loan transaction, and the terms of the loan transaction. In addition, each Lending Portfolio will maintain all information or materials upon which a determination was made that each loan was made in accordance with the procedures set forth above and the conditions to the application.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions.

Securities Lending Program

1. Before a Portfolio may participate in the Securities Lending Program, a majority of the Board, including a majority of the Independent Trustees, will approve of the Portfolio's participation in the Securities Lending Program. Such trustees also will evaluate the securities lending arrangement and its results no less frequently than annually and determine that any investment of Cash Collateral in the Underlying Funds is in the best interest of the shareholders of the Funds and their corresponding Portfolios.

2. Cash Collateral of the Money Market Portfolios will not be used to acquire shares of any Private Fund that does not comply with the requirements of rule 2a–7 under the Act.

3. The approval of an Investing Portfolio's Board, including a majority of the Independent Trustees, will be required for the initial and subsequent approvals of State Street's service as lending agent for the Investing Portfolios under the Securities Lending Program, for the institution of all procedures relating to the Securities Lending Program as it relates to the Investing Portfolios, and for any period review of loan transactions for which State Street acts as lending agent under the Securities Lending Program.

4. The Securities Lending Program of each Portfolio will comply with all present and future applicable SEC and staff positions regarding securities lending arrangements.

Private Funds

5. The Private Funds will comply with the requirements of sections 17(a), (d), (e), and 18 of the Act as if the Private Funds were registered open-end investment companies. With respect to all redemption requests made by a Lending Portfolio, the Private Funds will comply with section 22(e) of the Act. The Adviser, as sole trustee of the Private Funds, will adopt procedures designed to ensure that the Private Funds comply with sections 17(a), (d), (e), 18 and 22(e) of the Act. The Adviser will periodically review and periodically update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii) and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the SEC and its staff.

6. The Strategic Cash Trust, which will use the ''amortized cost method'' of valuation as defined in rule 2a–7 under the Act, will comply with rule 2a–7. With respect to the Strategic Cash Trust, the Adviser will adopt and monitor the procedures described in rule 2a–7(c)(7) under the Act and will take such other actions as are required to be taken under those procedures. The Investing Portfolios may only purchase shares of the Strategic Cash Trust using the amortized cost method of valuation if the Adviser determines on an ongoing basis that the Strategic Cash Trust is in compliance with rule 2a–7. The Adviser will preserve for a period of not less than six years from the date of determination, the first two years in an easily accessible place, a record of the determination and the basis upon which the determination was made. This record will be subject to examination by the SEC and its staff.

7. Each Lending Portfolio will purchase and redeem shares of the Private Funds as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders of the Private Funds. A separate account will be established in the shareholder records of each Private Fund for the account of each Lending Portfolio.

8. The net asset value per share with respect to shares of the Private Funds will be determined separately for each Private Fund by dividing the value of the assets belonging to that Private Fund, less the liabilities of that Private Fund, by the number of shares outstanding with respect to that Private Fund.

Other Conditions

9. Investment of Uninvested Cash in the Money Market Portfolios and Cash Collateral in the Underlying Funds will be in accordance with each Portfolio's respective investment restriction, if any, and will be consistent with its corresponding Fund's policies as recited in such Fund's prospectuses and statements of additional information.

10. Shares of the Money Market Portfolios and Private Funds will not be subject to a sales load, redemption fee, distribution fee adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the NASD Conduct Rules).

11. Before the next meeting of the Board of an Investing Portfolio is held for the purpose of voting on an advisory contract under section 15 of the Act, the Adviser will provide the Board with specific information regarding the approximate cost to the Adviser of, or portion of the advisory fee under the existing advisory fee attributable to, managing the Uninvested Cash of the Investing Portfolio that can be expected to be invested in the Money Market Portfolio. In connection with approving any advisory contract for an Investing Portfolio, the Board of the Investing Portfolio, including a majority of the Independent Trustees, will consider to what extent, if any, the advisory fees charged to the Investing Portfolio by the Adviser should be reduced to account for reduced services provided to the Investing Portfolio by the Adviser as a result of Uninvested Cash being invested in the Money Market Portfolio. The minute books of the Investing Portfolio will record fully the Board's consideration in approving the advisory contract, including the considerations referred to above.

12. Each Investing Portfolio will invest Uninvested Cash in, and hold shares of, the Money Market Portfolios only to the extent that the Investing Portfolio's aggregate investment in the Money Market Portfolios does not exceed 25% of the Investing Portfolio's total assets.

13. Each Investing Portfolio, each Money Market Portfolio, and any future Portfolio that may rely on the order will be advised by the Adviser, or a person controlling, controlled by, or under common control with the Adviser.

14. No Money Market Portfolio or Private Fund that is an Underlying Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)A) of the Act.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10309 Filed 4–23–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of April 26,1999.

A closed meeting will be held on Wednesday, April 28, 1999, at 11:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries

will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 28, 1999, at 11:00 a.m., will be:

Institution and settlement of administrative proceedings of an enforcement nature

Institution and settlement of injunctive actions

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: April 22, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–10563 Filed 4–22–99; 3:56 pm]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41303; File No. SR–GSCC–99–01]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Granting Approval of Proposed Rule Change Regarding the Expansion of GSCC's GCF Repo Service

April 16, 1999.

On January 27, 1999, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission''), and on February 11, 1999, amended [1] the proposed rule change (File No. SR–GSCC–99–01) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[2] Notice of the proposed rule change was published in the **Federal Register** on February 17, 1999.[3] The Commission received one comment letter in response to the proposed rule change.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The GCF Repo service allows GSCC members that are not interdealer brokers to trade general collateral repos involving U.S. Government securities throughout the day without requiring trade for trade settlement on a delivery versus payment (''DVP'') basis.[5] This change expands GSCC's GCF Repo service to allow participating dealers to engage in GCF Repo trading with participating dealers that use different clearing banks.[6]

Currently, not all of GSCC's dealer members clear at the same bank. As a result of free and unrestricted trading among all GSCC members, on any particular business day net securities and cash positions with respect to GFC Repo transactions will most likely not balance within each GFC Repo clearing bank. That is, the net securities borrowed position will not match the net securities loaned position across dealers intrabank.

GSCC has been discussing with the staff of the Federal Reserve Bank of New York (''FRBNY'') and the Board of Governors of the Federal Reserve System (''Board of Governors'') the possibility of reopening the securities Fedwire for a brief period of time after the normal 3:30 p.m. close to accomplish after-hours DVP movement of securities between the GFC Repo clearing banks. However, GSCC understands that an after-hours DVP window cannot be established until FRBNY completes its Year 2000 systems changes and the Board of Governors issues a proposal for public comment to help determine if establishing such a window is in the public interest.

As a result, GSCC and its two clearing banks, The Bank of New York (''BONY'') and The Chase Manhattan Bank (''Chase''), have agreed to establish a mechanism to permit after-hours movements of cash and securities between the two clearing banks. Each clearing bank will establish a special clearance account in the name of GSCC to be used exclusively to effect this after-hour movement of securities. At the end of each business day, GSCC will establish the net GCF Repo settlement position and collateral allocation obligation or entitlement for each participating dealer with respect to each generic CUSIP number, and each clearing bank will make all possible internal cash and securities GCF Repo deliveries between GSCC and the dealers that clear at that bank. At this stage, the dealers that clear through one of the two banks will be in an aggregate net funds borrower position and aggregate net short securities position. The dealers that clear through the other bank will be in an aggregate net funds lender position and aggregate net long securities position.

GSCC will establish on its own books and records two ''securities accounts'' as defined in Article 8 of the New York Uniform Commercial Code (''NYUCC''): one in the name of Chase and one in the name of BONY. The Chase securities account will be comprised of the securities in GSCC's special clearance account maintained by BONY, and the BONY securities account will be comprised of the securities in GSCC's special clearance account maintained by Chase. GSCC will appoint Chase as its agent to maintain GSCC's books and records with respect to the BONY securities account, and GSCC will appoint BONY as its agent to maintain GSCC's books and records with respect to the Chase securities account.

The securities accounts will enable the bank that is in the net long securities position to receive securities after the close of the securities Fedwire. Once the bank has received the securities, it will credit them by book-entry movement to a GSCC account and then to the dealers that clear at that bank that are net long securities. The establishment of the securities accounts by GSCC also will give each clearing bank a ''securities entitlement'' under Article 8 of the NYUCC and the comfort of relying on GSCC as its ''securities intermediary'' as defined in Article 8 of the NYUCC.

As an example, assume that after all intrabank cash and securities movements, the dealers that clear through Chase are in an aggregate net funds borrow/short securities position and the dealers that clear through BONY are in an aggregate net funds lender/long securities position. GSCC will then instruct Chase to allocate to the special GSCC clearance account at Chase securities in an amount equal to the net

[1] The February 11, 1999, amendment represents a technical amendment to the proposed rule change and as such does not require republication of notice.

[2] 15 U.S.C. 78s(b)(1).

[3] Securities Exchange Act Release No. 41022 (February 5, 1999), 64 FR 7932.

[4] Letter from Scott C. Rankin, Assistant General Counsel, The Bond Market Association (March 10, 1999).

[5] For a detailed description of the GFC Repo Service, refer to Securities Exchange Act Release No. 40623 (October 30, 1998) 63 FR 59831 (November 5, 1998) [File No. SR–GSCC–98–02] (order approving proposed rule).

[6] Currently, there are two banks approved by GSCC to provide GCF Repo settlement services. In the future, other banks that GSCC in its sole discretion determines to have met its operational requirements may be approved to provide GCF Repo settlement services.

short securities position. Chase will then transmit to BONY a description of the securities in the BONY securities account (which will be the same securities as in the GSCC special clearance account at Chase). Based on this transmission, BONY will transfer funds equal to the aggregate net funds borrowed position to a demand deposit account in the name of GSCC that is maintained by Chase. Upon Chase's receipt of the funds, Chase will release any liens it may have on the securities in the special GSCC clearance account, and GSCC will release any liens it may have on the securities in the BONY securities account (which accounts are comprised of the same securities). BONY will credit the securities in the BONY securities account to GSCC's regular GCF Repo clearance account at BONY and to the dealers that clear at BONY that are in a net long securities position.

All securities and funds movements occurring on a particular business day between the participating clearing banks will be reversed the next business day within a timeframe established by GSCC and the clearing banks. This timeframe will correspond to the timeframe already established by GSCC's Rule 20 for the reversal of GCF Repo transactions between GSCC and its participating netting members.

II. Comment Letters

The Commission received one comment letter.[7] The Bond Market Association (''Association'') supports the approval of the proposed rule change because the Association believes the change would provide a wide array of market participants with an increased flexibility in satisfying their funding needs as well as the funding needs of their customers.

III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that the proposed rule change is consistent with these obligations. The proposed rule change should increase the number of transactions that can be cleared through the GCF Repo service and therefore should facilitate the prompt and accurate clearance and settlement of general collateral repo transactions by increasing the number of such transactions that are cleared and settled through the facilities of GSCC. In addition, the Commission believes the procedures and arrangements GSCC has established for the movements between GSCC's clearing banks of securities and funds related to GCF Repo transactions should help to assure the safeguarding of securities and funds which are in GSCC's custody or control or for which it is responsible.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–GSCC–99–01) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10308 Filed 4–23–99; 8:45 am]

BILLING CODE 8010–01–M

[7] *Supra* note 4.

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41311; File No. SR–NASD–99–15]

Self-Regulatory Organization; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the National Adjudicatory Council's Call for Review of Membership Decisions

April 20, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 19, 1999, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary NASD Regulation, Inc. (''NASD Regulation''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. On April 16, 1999, the NASD filed an amendment to the proposal.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Change

The NASD is proposing to amend NASD Rule 1015 to temporarily suspend the authority of the NAC to call for review membership decisions issued by district staff. The text of the proposed rule change is available at the NASD Office of the Secretary and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Association included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of the proposed rule change is to temporarily suspend the NAC's authority under NASD Rule 1015 to call for review of membership decisions while the Association considers other options for review of the membership admittance process. Currently, NASD Rule 1015(a)(2) provides that a membership decision rendered by the Department of Member Regulation shall be subject to a call for review by the NAC. Since the Association has not been able to adequately implement this authority, it proposes to suspend NAC review of membership decisions from the date of approval by the Commission until October 31, 1999, for the reasons set forth below.

[3] *See* letter from Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission (April 16, 1999) (''Amendment No. 1''). In Amendment No. 1, the NASD changes the date the suspension of the national Adjudicatory Council's (''NAC's'') call for review of membership decisions will end from June 1, 1999 to October 31, 1999. In Amendment No. 1, the NASD also deletes a description of the activities and composition of the Membership Admissions Review Committee.

In August 1997, the SEC approved substantial revisions to the Rule 1010 Series [4] to conform the rules to the requirements of the SEC's August 8, 1996, Order with respect to the NASD (''Order'').[5] One of the main changes required by the order was a transfer of authority to render decisions on membership applications from the district business conduct committees to NASD Regulation staff, subject to appeals by applicants to the National Business Conduct Committee (''NBCC''), the NAC's predecessor.

The Association asserts that during consideration of the revisions to the NASD Rule 1010 Series in 1997, the NBCC requested that a call for review provision for the NBCC be included in the Rule 1010 Series so that members would have a mechanism to provide input on membership decisions. The NBCC was not particularly concerned with decisions to deny or restrict an applicant because such applicants would have a strong incentive to appeal if they believed that the rules had been inconsistently applied. The NBCC was primarily concerned about decisions to grant applications without restriction. The successful applicant would have no basis or incentive to appeal the decision, and the NBCC was concerned that there would not be a mechanism to review the decision if a review appeared to be warranted. Thus, the Association submitted a proposed rule change including the call for review authority in November 1977 which the Commission approved in December 1997.[6]

Since receiving Commission approval, the Association has encountered significant practical problems in implementing this call for review authority. As of November 30, 1998, approximately 1100 membership decisions—including new member application decisions under NASD Rule 1014, decisions to modify or remove a business restriction under NASD Rule 1017, and decisions on continuing member applications under NASD Rule 1018—have been issued under the new membership rules. While the Association has tried several procedures to implement the call for review authority for these decisions, it does not believe that any of these procedures has been particularly effective. For example, reading the decisions, without review of the entire file, has not proven to be useful. The NASD also believes that it would be duplicative of district staff work and inefficient to review every record in its entirety to determine if it supports the decision. While NASD Regulation staff has found that decisions that deny or restrict an applicant appear to be well-supported by their rationale (in most districts the district director (often a vice president) reviews such decisions before issuing them), the process does not work for decisions that grant a membership application without restriction because they do not contain rationale for the district staff's membership determination. Instead they simply state that the applicant has met all applicable standards. Unlike a call for review of a regular disciplinary decision under the NASD Rule 9000 Series, there is no hearing panel vote and decision that might indicate a close or difficult issue.

The Association also contemplated limiting the number of staff decisions to be considered for a call for review by focusing the process on certain categories of decisions, such as only new member application decisions or certain types of business expansions. The NASD determined, however, that such a procedure might be perceived as biased against those firms that fell within a selected category.

Only one decision has been called for review by the NAC. This decision involved a new issue about the appropriate use of unadjudicated violations and an interpretation of an SEC order against an applicant. The staff believes that the issues raised in this call for review could have been resolved by consultation with the Office of General Counsel (''OGC'') prior to the issuance of the district decision and by the issuance of guidelines to district staff on the appropriate consideration of unadjudicated matters in rendering a decision on a membership application.

After discussing the matter with staff, members, and practitioners, the Association has concluded that it is not possible yet to implement a fair and effective call for review mechanism for all Rule 1010 Series decisions. In view of this determination, the NAC and the Board agreed to propose temporary suspension of the NAC's call for review authority until the Association has more fully reviewed the NASD Rule 1010 Series in its entirety, including the role of the NAC in that process.

The Association proposes to make the proposed rule change effective upon approval by the Commission and remain effective until October 31, 1999.

(2) Statutory Basis

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(8) of the Act,[7] which requires, among other things, that the Association's rules must be designed to provide fair procedures for the denial of membership to any person seeking membership therein. According to the NASD, the proposed rule change would not result in any change to a membership applicant's ability to seek NAC review of a membership decision and thus in no way prejudices a membership applicant's rights under the NASD Rules.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will by order approve such proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Person making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[4] Securities Exchange Act Release No. 38908 (Aug. 7, 1997), 62 FR 43385 (Aug. 13, 1997).

[5] Securities Exchange Act Release No. 37538 (Aug. 8, 1996) (SEC Order Instituting Public Proceedings Pursuant to Section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions, In the Matter of national Association of Securities Dealers, Inc.).

[6] Securities Exchange Act Release Nos. 39350 (Nov. 21, 1997), 62 FR 64000 (Dec. 3, 1997), (File No. SR–NASD–97–81) and 39470 (Dec. 19, 1997), 62 FR 67927 (Dec. 30, 1997), respectively.

[7] 15 U.S.C. 78*o*–3(b)(8).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of NASD Regulation. All submissions should refer to File No. SR–NASD–99–15 and should be submitted by May 17, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10423 Filed 4–23–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41307; File No. SR–PCX–99–09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Customer Transaction Charges and On-Line Comparison Charges

April 16, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 31, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to change its Schedule of Fees and Charges for Exchange Services by eliminating customer transaction charges[3] for Pacific Options Exchange Trading System (''POETS'')[4] automated executions and modifying its on-line comparison charges. The text of the proposed rule change is available at the Office of the Secretary, PCX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background. Currently, the Exchange charges a customer transaction fee of $0.12 per contract for trade-related transactions, including POETS automated executions (*i.e.*, market and marketable limit orders transacted through POETS). The Exchange also charges an on-line comparison charge of $0.25 per trade plus $0.025 per contract for all trades.

Proposal. With regard to customer transaction charges, the Exchange proposes to eliminate the transaction charge of $0.12 per contract on all customer POETS automated executions until such time that Exchange technology can modify the billing system to allow for transaction charges to be applied based on order size (*i.e.*, $0.00 for orders of 30 contracts or less). The Exchange proposes this change to remain competitive in the market place.

With regard to on-line comparison charges, the Exchange proposes to change its on-line comparison charges to $0.05 per contract and to eliminate the per trade charge of $0.25. The Exchange proposes these changes in an effort to simplify the fee schedule and remain competitive.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(4) of the Act,[6] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organizations' Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and subparagraph (f) of Rule 19b–4 thereunder.[8] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[9]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange represents that customer transaction charges are fees charged to members. As a result, the Commission notes that, as this filing relates exclusively to member fees this proposed rule change is properly filed under Section 19(b)(3)(A)(ii) of the Act. 15 U.S.C. 78s(b)(3)(A)(ii). Telephone conversation between Robert P. Pacileo, Staff Attorney, Regulatory Policy, PCX, and Joseph P. Morra, Attorney, Division of Market Regulation, Commission, on April 8, 1999.

[4] POETS is the Exchange's automated options trading systems. *See generally* Securities Exchange Act Release No. 27633 (January 18, 1990), 55 FR 2466 (January 24, 1990) (Order approving File No. SR–PSE–89–26).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to file number SR–PCX–99–09, and should be submitted by May 17, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10422 Filed 4–23–99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–1999–5381]

Fiscal Year (FY) 2000 Implementation Guidance for Ferry Boat Discretionary Program Funds

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; FHWA solicitation memorandum for FY 2000 funds; request for comments on selection criteria for FY 2001 and beyond.

SUMMARY: This document provides implementation guidance on the Ferry Boat Discretionary (FBD) program for FY 2000 and beyond. A memorandum on this topic was issued to division offices soliciting candidate projects from State transportation agencies for FY 2000 Ferry Boat Discretionary (FBD) funding. The memorandum also contains information on the selection criteria used by the FHWA in evaluating candidate projects. This document seeks comments from all interested parties on the selection criteria and their continued use by the FHWA for FY 2001 and beyond.

DATES: Comments on the selection criteria for FBD funding for FY 2001 and beyond must be received on or before June 25, 1999.

ADDRESSES: Your signed, written comments on project selection criteria for FBD funding for FY 2001 and beyond must refer to the docket number appearing at the top of this document and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments should include a self-addressed, stamped envelope or postcard.

Applications for candidate projects for FY 2000 funding should be submitted to the FHWA Division Office in the State of the applicant in accordance with the guidance provided in the solicitation memorandum.

FOR FURTHER INFORMATION CONTACT: Jack Wasley, Office of Program Administration, (202) 366–4658; or Wilbert Baccus, Office of the Chief Counsel, (202) 366–1396; Federal Highway Administration, 400 Seventh Street SW., Washington D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://www.dms.dot.gov*. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara*.

The solicitation memorandum is available on the FHWA web site at *http://www.fhwa.dot.gov/discretionary*.

Background

On March 4, 1999, the FHWA issued a memorandum to its division offices, located in each State, the District of Columbia and Puerto Rico, soliciting from the State transportation agencies candidate projects for FY 2000 FBD funding. This memorandum is published for informational purposes. The memorandum contains information on the FBD program, eligible activities, the application process, and the selection criteria used by the FHWA in evaluating candidate projects.

Also, the purpose of this document is to invite comments on the selection criteria used by the FHWA for evaluating candidate projects for FY 2001 and beyond. The attachment to the March 4, 1999, memorandum presents the selection criteria that the FHWA will be using for FY 2000. These criteria reflect areas which are given preference when evaluating candidate projects; however, any project submitted by a State transportation agency which meets the eligibility requirements for this discretionary program can potentially be selected for funding. These are the same general selection criteria that the FHWA has used for several years to evaluate candidates for this discretionary program. Occasionally, a selection criterion may be added for an individual year that reflects a special emphasis area, but for the most part the selection criteria have remained unchanged.

The FHWA plans to continue to use these same basic selection criteria for FY 2001 and beyond for this discretionary program. However, before doing so, the FHWA is interested in the views of the States or others on these selection criteria. Accordingly, comments are invited to this docket on the selection criteria that the FHWA will use for the FBD program for funding available during FY 2001 and beyond.

Publication of the implementation guidance for the ferry boat discretionary program satisfies the requirement of section 9004(a) of the TEA–21 Restoration Act, Pub. L. 105–206, 112 Stat. 685, 842 (1998).

Authority: 23 U.S.C. 129(c) and 315; 49 CFR 1.48.

Issued on: April 16, 1999.

Gloria J. Jeff,

Federal Highway Deputy Administrator.

The text of the FHWA solicitation and implementation guidance memorandum follows:

Action: Ferry Boat Discretionary (FBD) Program, Request for Projects for FY 2000 Funding, March 4, 1999 (Reply Due: July 1, 1999)

Henry H. Rentz for Vincent F. Schimmoller, Program Manager, Infrastructure, HIPA, Division Administrators

Section 1207 of the Transportation Equity Act for the 21st Century (TEA–21) reauthorizes the funding category for the construction of ferry boats and ferry terminal facilities created by section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991. With this memorandum, we are requesting submission of eligible candidate projects for FY 2000 FBD funding.

The TEA–21 authorizes $38 million for the FBD program for FY 2000. The TEA–21 requires that $20 million be set-aside for marine highway systems that

[10] 17 CFR 200.30–3(a)(12).

are part of the National Highway System for use by the States of Alaska, New Jersey, and Washington. As a result, only $18 million is authorized for open competition among all States. Estimating the deduction for section 1102(f) of TEA–21 and the increase due to the revenue aligned budget authority (RABA) under section 1105 of TEA–21, approximately $14 million of FBD funds will be available for open competition among all States in FY 2000.

Attached to this memorandum are the program guidelines that contain information on eligibility, selection criteria, and submission requirements. Please provide this information to your State and work with them to identify viable, quality candidate projects for this program.

We ask that you pay particular attention to the submission requirements listed in the attached guidelines. Many of the candidates submitted last year did not provide all of the necessary information. With the elimination of the region offices, we are relying on you to ensure that all of the applications from your State are completed in accordance with the appropriate submission requirements. This is important to ensure that all candidates receive a fair evaluation. Due to the shortened time frame last year because of the late passage of TEA–21, we were not able to return incomplete applications, and our evaluation was based on insufficient information in some cases. This year we will return incomplete applications, which could jeopardize consideration of the candidate projects if the applications are not resubmitted in time.

We are requesting that candidate project submissions be received in Headquarters no later than July 1, 1999. *Projects received after this date may not receive full consideration.*

Because the available funding is always far less than the demand, we ask that submissions include only candidate projects that, if funded, can be obligated in FY 2000. Any allocations in FY 2000 will be made on the assumption that the proposed projects are viable and the implementation schedules are realistic. Any unobligated balances remaining on September 15, 2000, will be withdrawn and used for funding future fiscal year requests.

If there are any questions, please contact Mr. Jack Wasley (202–366–4658) of our Office of Program Administration.

Attachment

Ferry Boat Discretionary Program: Program Guidelines

Background

The Ferry Boat Discretionary (FBD) Program, which provides a special funding category for the construction of ferry boats and ferry terminal facilities, was created by Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (1991 ISTEA, Public Law 102–240). Section 1207 of the Transportation Equity Act for the 21st Century (TEA–21, Public Law 105–178) reauthorized the FBD funding category through FY 2003.

Statutory References

23 U.S.C. 129(c); sec 1064, Pub. L. 102–240, 105 Stat. 1914 (1991) (ISTEA); sec. 1207, Pub. L. 105–178, 112 Stat. 107 (1998) (TEA–21).

FUNDING

[In millions]

Fiscal Year	1998	1999	2000	2001	2002	2003
Competitive	$30	$18	$18	$18	$18	$18
NHS Set-aside	.....	20	20	20	20	20

TEA–21 provides $30 million in fiscal year 1998 and $38 million in each of fiscal years 1999 through 2003 for the construction of ferry boats and ferry terminals in accordance with 23 U.S.C. 129(c). The TEA–21 requires that $20 million from each of fiscal years 1999 through 2003 be set-aside for marine highway systems that are part of the National Highway System for use by the States of Alaska ($10 million), New Jersey ($5 million), and Washington ($5 million). As a result, for each of fiscal years 1999 through 2003, the amount of FBD funding available for open competition among all States is $18 million with a non-competitive amount of $20 million set-aside for Alaska, New Jersey, and Washington.

The $18 million available for open competition is also impacted by any obligation limitation imposed on the Federal-aid highway program under the provisions of TEA–21 Section 1102(f), Redistribution of Certain Authorized Funds. Under this provision, any funds authorized for the program for the fiscal year, which are not available for obligation due to the imposition of an obligation limitation, are not allocated for the FBD program, but are redistributed to the States by formula as STP funds.

After these reductions, it is expected that approximately $14 million will be available for candidate projects each of fiscal years 2000 through 2003. This available funding may also increase or decrease each year depending on the obligation limitation calculation and on the estimated receipts to the Highway Trust Fund.

Federal Share

In accordance with section 1064(b) of the 1991 ISTEA, the Federal share of the costs for any project eligible under this program is 80 percent.

Obligation Limitation

The FBD discretionary funds are subject to obligation limitation; however, 100 percent obligation authority is normally provided with the allocation of funds for the selected projects. The obligation limitation reduces the available funding for the program under the provisions of TEA–21 section 1102(f) discussed above. For FY 1999, obligation of the FBD funds is controlled by a special requirement included in the FY 1999 Omnibus Appropriations Act (Public Law 105–277). The Act limits obligation of FBD funds during FY 1999 to $38 million. Consequently, there is not enough obligation authority to cover both fiscal years 1998 and 1999 funding allocated to the States. Therefore, distribution of the FY 1999 obligation authority is on an ''as needed'' basis.

Eligibility

As specified in section 1064(b) of the 1991 ISTEA, this program is for the construction of ferry boats and ferry terminal facilities in accordance with 23 U.S.C. 129. Proposals should meet the basic eligibility criteria in 23 U.S.C. 129(c).

Competitive FBD funds are available for improvements to ferry boats or ferry boat terminals where:

- The ferry facility is providing a link on a public road (other than Interstate) or the ferry facility is providing passenger only ferry service.
- The ferry and/or ferry terminal to be constructed or improved is either publicly owned, publicly operated, or a public authority has majority ownership interest where it is demonstrated that the ferry operation provides substantial public benefits.

• The ferry does not operate in international water except for Hawaii, Puerto Rico, Alaska and for ferries between a State and Canada.

The set-aside discretionary funds for marine highway systems for use by the States of Alaska, New Jersey and Alaska are available for the construction or refurbishing of ferry boats and ferry terminals and their approaches that are part of the NHS. In general, a proposed project must meet the eligibility criteria set forth in 23 U.S.C. 129(b) and (c), with the following requirements specifically applying to location of the projects and the type of activity eligible for funding:

• For a ferry facility that provides a direct link on the NHS, both the ferry boat (must transport four wheel vehicles) and the ferry terminals, including approaches, are eligible for funding.

• For a ferry facility that lies at the end of an approved connector to the NHS, only the ferry terminal (can serve either vehicle or passengers) and approach is eligible for funding. The ferry boats serving the ferry terminal are not eligible for funding.

Selection Criteria

Several criteria are used to evaluate the submitted candidates for selection for the competitive portion of the FBD program. Although there are no statutory criteria and FHWA has not established regulatory criteria for selection of FBD projects, the following criteria are considered in the evaluation of candidates for this program:

• Expeditious completion of project—Consideration is given to requests that will expedite the completion of a viable project. This is a project's ability to expeditiously complete usable facilities within the limited funding amounts available.

• Leveraging of private or other public funding—Because the annual requests for funding far exceed the available FBD funds, commitment of other funding sources to complement the requested FBD funding is an important factor.

• Amount of FBD funding—The requested amount of funding is a consideration. Realizing the historically high demand of funding under this program, modest sized requests for funding (generally less than $2 million) to allow more States to receive funding under this program are given added consideration.

• State priorities—For States submitting more than one project, consideration is given to the individual States priorities, if specified.

• National geographic distribution of funding within the FBD program—Consideration is given to selecting projects over time among all the States competing for funding.

Because the concept of equity was important in the development of TEA–21, project selection will also consider national geographic distribution among all of the discretionary programs as well as congressional direction or guidance provided on specific projects or programs.

Solicitation Procedure

Each year, usually around March, a memorandum is sent from the FHWA Headquarters Office of Program Administration to the FHWA division offices requesting the submission of candidate projects for the following fiscal year's funding. This solicitation is also published in the **Federal Register**. The FHWA division offices provide this solicitation request to the State transportation departments, who are the only agencies that can submit candidates. The State transportation departments coordinate with local agencies within their respective States in order to develop viable candidate projects. The State transportation departments submit the candidate applications to the FHWA division offices, who send them in to the Office of Program Administration. Candidate projects are due in FHWA Headquarters usually around the first of July.

The specific timetable for the solicitation process for any particular fiscal year is provided in the solicitation memorandum. The most recent solicitation is provided in these Guidelines for reference.

The candidate project applications are reviewed and evaluated by the Office of Program Administration and an allocation plan is prepared for presentation of the candidate projects to the Office of the Federal Highway Administrator, where the final selection of projects for funding is made. The announcement of the selected projects and the allocation of funds is usually accomplished by the middle of November.

Set-aside FBD funds are allocated directly to the three named States with no solicitation.

Submission Requirements

Only State transportation departments may submit applications for funding under this program. Although there is not a prescribed format for a project submission, the following information must be included to properly evaluate the candidate projects. With the exception of the project area map, all of the following must be included to consider the application complete. Those applications that do not include these items are considered incomplete and returned.

1. State(s) in which the project is located.

2. County(ies) in which the project is located.

3. U.S. Congressional District No.(s) in which the project is located.

4. U.S. Congressional Member's Name(s) for each District.

5. Facility or Project Name commonly used to describe the facility or project.

6. Service Termini and Ports.—Describe the ferry boat operation including the name of water crossing. A statement must be included for ferry boat operations carrying motorized vehicles, describing the link in the roadway system. Clearly identify any ''passenger only'' ferry service, and explain how the ferry service is linked to public transportation or is part of a transit system. Also, for each project indicate if the project is part of an existing link or service or if it is new service. Also identify if the ferry operates in domestic, foreign or international waters.

7. Ownership/Operation—Specify which of the following apply:

• The boat or terminal is publicly owned. The term ''publicly owned'' means that the title for the boat or terminal must be vested in a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality.

• The boat or terminal is publicly operated. The term ''publicly operated'' means that a public entity operates the boat or terminal.

• The boat or terminal is ''majority publicly owned'' (as opposed to public owned). This means that more than 50 percent of the ownership is vested in a public entity. If so, does it provide substantial public benefits? Documentation of substantial public benefits, concurred in by the division office, is required for ferry facilities that are in majority public ownership.

8. Current and Future Traffic—Provide the functional classification of the route that the project is located on along with a general description of the type and nature of traffic, both current and design year average daily traffic or average daily passenger volumes, on the route if available. The general description could include information on year round or seasonal service; commuter, recreational or visitor ridership; traffic generators and attractions.

9. Proposed Work—Describe the project work to be completed under this

particular request, and whether this is a complete project or part of a larger project.

10. Amount of Federal FBD Discretionary Funds Requested—The total cost for the proposed work should be shown along with the requested amount of FBD funding (this should reflect that the maximum Federal share for this program is 80 percent). A State's willingness to accept partial funding should be indicated.

11. Commitment of Other Funds—Indicate the amounts and sources of any private or other public funding being provided as part of this project. Only indicate those amounts of funding that are firm and documented commitments. The submission must include written confirmation of these commitments from the entity controlling the funds.

12. Previous FBD Discretionary Funding—Indicate the amount and fiscal year of any previous FBD discretionary funds received for this project, terminals or ferry boats operating on this route or transit system.

13. Future Funding Needs—Indicate the estimated future funding needs for the project or facility, if known. Also, provide estimated time schedules for implementing future projects. This information will be used to identify funding commitments beyond the presently proposed project and in outlying years.

14. Talking Points Briefing—Each State's request for ferry boat discretionary funds must be accompanied by a talking points paper for use by the Office of the Secretary for the congressional notification process should a project be selected for funding. A sample paper is included in these Guidelines.

15. Project Area Map—A readable location/vicinity map showing the ferry route and terminal connections is helpful if available.

State Transportation Agency Responsibilities

1. Coordinate with State and local agencies within the State to develop viable candidate projects.

2. Ensure that the applications for candidate projects meet the submission requirements outlined above.

3. Establish priorities for their candidate projects if desired.

4. Submit the applications to the local FHWA division office on time so that the submission deadline can be met.

FHWA Division Office Responsibilities

1. Provide the solicitation memorandum and this program information to the State transportation agency.

2. Request candidate projects be submitted by the State to the FHWA division office to meet the submission deadline established in the solicitation.

3. Review all candidate applications submitted by the State prior to sending them to FHWA Headquarters to ensure that they are eligible, complete and meet the submission requirements.

4. Submit the candidate applications to FHWA Headquarters by the established submission deadline.

FHWA Headquarters Program Office Responsibilities

1. Solicit candidates from the States through annual solicitation memorandum.

2. Review candidate project submissions and compile program and project information for preparation of allocation plan.

3. Submit allocation plan to the Office of the Federal Highway Administrator for use in making final project selections.

4. Allocate funds for the selected projects.

FHWA Headquarters Program Offoce Contact

Jack Wasley, Highway Engineer, Office of Program Administration, Phone: (202) 366–4658, Fax: (202) 366–3988, E-mail: jack.wasley@fhwa.dot.gov

Sample Talking Points Briefing for Secretary

Note: These talking points will be used by the Office of the Secretary in making congressional notification contacts. Since some of the recipients of the calls may not be closely familiar with the highway program, layman's language should be used to the extent possible. Information contained in the talking points may be used by a member of Congress in issuing a press release announcing the discretionary allocation.

Ferry Boat (FBD) Discretionary Funds

Grantee: State Transportation Agency <List full name>.

Project: Nouthport to Fort Bischer Ferry—purchase of a ferry boat, construction of necessary docking facilities, and approach work. <short name/description of project>.

FHWA Funds: $1,500,000. <requested FBD funds>.

- This project is needed to replace the MV Good Times which is currently running at the Nouthport Operation. This operation provides service across the Little Pike River <add name of the body of water> and is a link between SR 21 and U.S. 52. <add the name of roads/or public transit>.
- This project is part of Nouthport's $12 million waterfront development project. <add name of larger undertaking—note FBD projects are stand alone and its overall cost is separate but it may also be an element of a much larger undertaking>.
- The project will be advertised for construction in June/2001<month/year> and is scheduled for completion in February/2002 <month/year>.
- This high speed ferry boat will incorporate the latest technology to eliminate backwash and beach erosion. <If there is anything innovative about the project be sure and mention in layman's terms>.
- The project is part of the State's ferry boat program. Annually the State spends $19 million to operate seven ferry routes, and receives an average of $1.5 million annually in tolls from three of these routes.

[FR Doc. 99–10379 Filed 4–23–99; 8:45 am]
BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99–5541; Notice 1]

Vectrix Corporation, Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

Vectrix Corporation of New Bedford, Massachusetts, has applied for a temporary exemption of two years from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays.* The basis of the request is that ''the exemption would make the development or field evaluation of a low-emission vehicle easier and would not unreasonably lower the safety level of that vehicle,'' 49 U.S.C. Sec. 30113(b)(3)(B)(iii).

This notice of receipt of an application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

According to the application, the Vectrix Electric Scooter is ''powered exclusively by an electric motor which draws current from ten 12-volt lead-acid batteries wired in series,'' and is a ''low-emission vehicle'' within the meaning of the statute.

If a motorcycle is produced with rear wheel brakes, S5.2.1 of Standard No. 123 requires that the brakes be operable through the right foot control, though the left handlebar is permissible for motor driven cycles (Item 11, Table 1). Vectrix would like to use the left handlebar as the control for the rear

brakes of its Electric Scooter whose ''peak motor output of 26 horsepower'' produces more than the 5 hp maximum that separates motor driven cycles from motorcycles. The Electric Scooter can attain speeds up to 60 mph. The gear ratio of the vehicle is fixed, and ''there is no need for the rider to shift gears, as on a standard motorcycle.'' Because of this, the Electric Scooter ''is equipped with neither a clutch nor a clutch lever, and the left hand of the rider is free to operate a brake lever.'' Vectrix states that it prefers this design, given its focus on European and Asian markets ''where rear brake controls for scooters of all horsepower ratings are typically mounted on the left handlebar.''

Vectrix argues that a left handlebar rear-brake control ''will not 'unreasonably degrade the safety of the vehicle,' compared to a fully compliant vehicle equipped with a right foot, rear brake pedal.'' It believes that ''vehicle safety might be somewhat enhanced with the left hand brake lever, as the hand (bare or gloved) is generally more capable of sensitive modulation of the braking force than the foot.'' It also argues that the prevalence of this design in other countries attests to the fact that this type of vehicle ''can be operated safely.''

Vectrix intends to field test ''a small fleet'' of Electric Scooters, to assess ''any weaknesses in the design before production begins in summer, 1999.'' Requiring it to redesign the Electric Scooter to incorporate a rear brake foot pedal would delay the road test program by six months. While an exemption is in effect, Vectrix would consider whether the U.S. scooter market offered sufficient sales potential to justify creation of a U.S.-specific design incorporating a right foot brake pedal. Alternatively, it might petition NHTSA for rulemaking to ''allow the rear brake to be operated by a lever mounted on the left handlebar for all motorcycles designed without a clutch.''

The applicant anticipates sales of 600 Electric Scooters while an exemption is in effect. It believes that an exemption would be in the public interest and consistent with the objectives of traffic safety ''because it would maintain an acceptable level of safety while accelerating the advancement of an important new class of vehicles for use by consumers and businesses.''

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The Docket Room is open from 10:00 a.m. until 5:00 p.m. To the extent possible, comments filed after the closing date will also be considered.

Notice of final action on the application will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 26, 1999. (49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on April 16, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–10315 Filed 4–23–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33739]

Illinois Central Railroad Company—Trackage Rights Exemption—Indiana Harbor Belt Railroad Company

Indiana Harbor Belt Railroad Company (IHB) has agreed to grant overhead trackage rights to Illinois Central Railroad Company (IC) over IHB's trackage from milepost 33.9, in Broadview, IL, to milepost 39.3, in Franklin Park, IL, a total distance of 5.4 miles.

The parties report that they intend to consummate the transaction as of April 30, 1999. The earliest the transaction can be consummated is April 21, 1999, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the trackage rights is to facilitate economical and efficient operation of IC's overhead traffic through Broadview and Franklin Park.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33739, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Cynthia A. Bergmann, Esq., Illinois Central Railroad Company, 455 North Cityfront Plaza Drive, Chicago, IL 60611–5318.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 16, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 99–10415 Filed 4–23–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 19, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 26, 1999 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0129.

Form Number: ATF F 4473 (5300.9) Part I.

Type of Review: Extension.

Title: Firearms Transaction Record, Part I, Over the Counter.

Description: This form is used to determine the eligibility (under the Gun Control Act) of a person to receive a firearm from a Federal firearms licensee. It is also used to establish the identity of the buyer. The form is also used in law enforcement investigations/inspections to trace firearms.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 9,248,000.

Estimated Burden Hours Per Recordkeeper: 19 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 2,821,568 hours.

OMB Number: 1512–0141.

Form Number: ATF F 2635 (5620.8).

Type of Review: Extension.

Title: Claim—Alcohol, Tobacco and Firearms Taxes.

Description: This form is used by taxpayers to show the basis for a credit remission and allowance of tax on loss of taxable articles. To request a refund or abatement on taxes excessively or erroneously collected. To request a drawback of tax paid on distilled spirits used in the production of non-beverage products. This form is submitted along with supporting documents to indicate the reason of a credit of Federal tax should be made.

Respondent: Business or other for-profit, Individuals or households, Not-for-profit institutions.

Estimated Number of Respondents: 10,000.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion, Quarterly.

Estimated Total Reporting Burden: 10,000 hours.

OMB Number: 1512–0178.

Form Number: ATF F 4483 (5300.35).

Type of Review: Extension.

Title: Report of Firearms Transaction.

Description: This form is used to evaluate firearms transactions by licensee when the Division Industry Officer determines the need to do so. It is prepared from existing records and submitted to the official.

Respondent: Business or other for-profit.

Estimated Number of Respondents: 250.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 250 hours.

OMB Number: 1512–0216.

Form Number: ATF F 5120.17.

Type of Review: Extension.

Title: Report of Wine Premises Operations.

Description: This report is used to monitor wine operations, insure collection of wine tax revenue, and insure wine is produced in accordance with law and regulations. Report also provides raw data for ATF's monthly statistical release on wine.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,755.

Estimated Burden Hours Per Respondent: 1 hour, 6 minutes.

Frequency of Response: Monthly, Annually.

Estimated Total Reporting Burden: 10,642 hours.

OMB Number: 1512–0369.

Recordkeeping Requirement ID Number: ATF F REC 5300/1.

Type of Review: Extension.

Title: Licensed Firearms Manufacturers Records of Production, Disposition, and Supporting Data.

Description: Firearms manufacturers records of firearms manufactured and records of their disposition. These records are vital to support ATF's mission to inquire into the disposition of any firearm in the course of a criminal investigation.

Respondent: Business or other for-profit.

Estimated Number of Recordkeepers: 1,694.

Estimated Burden Hours Per Recordkeeper: 3 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 76,611 hours.

OMB Number: 1512–0386.

Recordkeeping Requirement ID Number: ATF REC 7570/1.

Type of Review: Extension.

Title: Records of Acquisition and Disposition-Requested Importers of Arms, Ammunition and Implements of War on the U.S. Munitions Imports List.

Description: These records of items that are listed on the U.S. Munitions List are used to account for the items by the Registered Import and this Bureau in investigations to insure compliance with the Federal Law.

Respondent: Business or other for-profit.

Estimated Number of Recordkeepers: 50.

Estimated Burden Hours Per Recordkeeper: 5 hours.

Estimated Total Recordkeeping Burden: 250 hours.

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW, Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–10385 Filed 4–23–99; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 19, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 26, 1999 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0004.

Form Number: IRS Form SS–8.

Type of Review: Extension.

Title: Determination of Employee Work Status for Purposes of Federal Employment Taxes and Income Tax Withholding.

Description: Form SS–8 is used by employers and workers to furnish information to IRS in order to obtain a determination as to whether a worker is an employee for purposes of Federal employment taxes and income withholding. IRS uses this information to make the determination.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents/ Recordkeepers: 9,730.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—34 hr., 55 min.

Learning about the law or the form—18 min.

Preparing and sending the form to the IRS—53 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 351,253 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New

Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 99–10386 Filed 4–23–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 19, 1999.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 26, 1999 to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535–0001.

Form Number: SB 60 and SB 60A.

Type of Review: Extension.

Title: Payroll Savings Report.

Description: SB 60 and SB 60A are used to determine the total number of participants purchasing U.S. Savings Bonds through the Payroll Savings Plan.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 25,910.

Estimated Burden Hours Per Respondent: 41 minutes.

Frequency of Response: Semi-annually.

Estimated Total Reporting Burden Hours: 17,871 hours.

OMB Number: 1535–0059.

Form Number: PD F 1832.

Type of Review: Extension.

Title: Special Form of Assignment for U.S. Registered Definitive Securities.

Description: PD F 1832.

Respondents: Individuals or households, Business or not-for-profit, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 10,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 2,500 hours.

OMB Number: 1535–0113.

Form Number: PD F 1849.

Type of Review: Extension.

Title: Disclaimer and Consent With Respect to United States Savings Bonds/Notes.

Description: PD F 1849 is used to obtain a disclaimer and consent as the result, refund of the purchase price, or reissue as requested by one person would appear to affect the right, title or interest of some other person.

Respondents: Individuals or households.

Estimated Number of Respondents: 7,000.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 700 hours.

OMB Number: 1535–0114.

Form Number: PD F 2001.

Type of Review: Extension.

Title: Release.

Description: PD F 2001 is used by the owner, co-owner, or other person entitled to ratify payment of savings bonds/notes and release the United States of America from any liability.

Respondents: Individuals or households.

Estimated Number of Respondents: 200.

Estimated Burden Hours Per Respondent: 6 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 20 hours.

Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 99–10387 Filed 4–23–99; 8:45 am]

BILLING CODE 4810–40–P

UNITED STATES INFORMATION AGENCY

Program Title Small Grants Competition on Women's Leadership Training; Request for Proposals

SUMMARY: The Office of Citizen Exchanges of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for Small Grant Awards on Women's Leadership Training. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501c may submit proposals to provide leadership training to women active in communities in Sub-Saharan Africa, the Middle East or Latin America.

Program Information

Overview

The Office of Citizen Exchanges of the United States Information Agency's Bureau of Educational and Cultural Affairs announces a new small grants competition for local community-based organizations interested in internationalizing their educational, professional and cultural efforts or gaining support for ongoing international exchange programs. This competition is aimed at local-level grassroots organizations that have not received prior funding directly from USIA. It is expected that a large number of submissions will be received. Creative and innovative ideas are sought.

In this new outreach, USIA solicits proposals from a diverse grassroots audience, including local chapters of national non-governmental organizations. The goal of the initiative is to encourage smaller organizations or local units of national groups to expand the scope of their work by building linkages with counterparts in certain other countries.

USIA seeks proposals that provide professional experience and exposure to American life and culture through internships hosted by local institutions and home stays with members of the community. The experience also provides Americans the opportunity to learn about different cultures. Travel under these grants may constitute an exchange or provide only for foreigners to visit the United States. The program is not academic in nature; it is designed to provide practical, hands-on experience in U.S. public/private sector settings that may be adapted to an individual's institution upon return home. Proposals may combine elements of professional enrichment, job shadowing and internships appropriate to the language ability and interests of the participants. Since most civic activities are concerned with community-based issues that directly affect individuals' lives, local issues and institutions should be the focus of the program.

Exchanges should be two-to-three weeks in length. It is anticipated that programs will be conducted between October 1999 and October 2000. Successful projects will enhance the

participants' skills in leadership, participatory democracy, NGO development, and open the potential for longer-term partnerships.

Women's Leadership Training

In much of the world, women and women's groups have become the leaders of grassroots activism and the spark for social change. They have worked persistently to establish themselves in both the private and public sectors. Women's groups have shown a willingness to cooperate with local and global organizations and to mentor young women looking for directions as they strive for greater participation in the decision making process.

USIA recognizes, however, that there are many places in the world where women want to do more and welcome opportunities to work with women in the United States. They could benefit from training and development of skills in areas such as: NGO development, political campaign management, credit and finance, conflict management and resolution, or knowledge and reform of legal systems. USIA is looking for proposals that offer leadership training to women active in their communities. These programs are intended to provide women with opportunities to capitalize on their potential and to strengthen their collective voice in the political, social and economic arena.

Guidelines

This year's small grants competition will center on women's leadership in Africa, the Middle East and Latin America. All projects should focus on one country, promote local community contacts with that country and address one or more of the priority topics described below. Applicants should carefully note the following restrictions/recommendations for proposals in specific geographic areas:

Africa (AF)

Proposals for any Sub-Saharan African country will be considered.

Civic Education and NGOs: publicizing and educating the public on issues that are important to women; building coalitions; networking; lobbying elected officials; media strategy; fund raising; volunteerism; participating in the elections process.

Educating Girls: Providing training opportunities for young women educators and community leaders to develop skills in leadership, advocacy, and conflict resolution; promoting understanding of women's effective role in society including educational institutions, economic development, civic responsibility, history, culture, and political life. These projects will not involve student/youth exchanges. Emphasis will be on exchanges for community leaders in the various sectors.

Women and Politics: running for elective office and/or managing electoral campaigns; developing a media strategy; campaign finance/fund raising; effective leadership and communications skills.

USIA contact for AF Citizen Exchanges programs: Orna Tamches, 202/260–2754; E-Mail [otamches@usia.gov].

Middle East (NEA)

Proposals for Egypt, Israel, Jordan, Lebanon, the Palestinian Authority or Syria will be considered.

Civic Education and NGOs: publicizing and educating the public on issues that are important to women; building coalitions; networking; lobbying elected officials; media strategy; fund raising; volunteerism; addressing civic values.

Women in Politics: campaigning; advocacy; educational efforts; lobbying; and meeting the challenges and responsibilities of leadership.

Equal Treatment of Women Under Law: educating women about existing non-discriminatory laws, including domestic violence legislation; understanding legal rights and options; addressing attitudes of the judiciary.

USIA contact for NEA Citizens Exchange programs: Tom Johnston, 202/619–5325, E-Mail {tjohnsto@usia.gov}

Latin America (WHA)

Women and Municipal Government: working with local governments on issues of decentralization, involving the community in local government, obtaining citizen feedback on service, setting priorities, creating partnerships with local academic institutions and research centers, and creating appropriate relationships with federal and state authorities. Countries: Mexico, Peru, Paraguay, Dominican Republic, Honduras.

Women and Politics: running for elected office and/or managing electoral campaigns; developing a media strategy; campaign finance/fund raising; effective leadership and communication skills. Countries: Brazil, Colombia, Bolivia, El Salvador, Guatemala, Jamaica, Trinidad. E/P contact for WHA programs: Laverne Johnson, 202/619–5337; E-Mail [ljohnson@usia.gov].

Guidelines

Program participants will travel to the U.S. under the Office of Citizen Exchanges' J–1 visa authority. Please refer to Solicitation Package for further information.

Budget Guidelines

The grant-making process will be specifically streamlined to accommodate first-time applicants. Priority will be given to grant proposals with budgets ranging from $15,000 to $40,000. No proposal above $50,000 will be eligible. Approximately, two hundred and fifty-thousand dollars has been allotted for this competition. Awards will be announced around August 1, 1999.

Allowable costs include the following:

(1) Program Expenses.

(2) Administrative Expenses including indirect costs. Please refer to the Solicitation Package for complete budget guidelines for formatting instructions.

Announcement Title and Number: All correspondence with USIA concerning this RFP should reference the above title and number E/P/99/50.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, E/P, Room 216, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547, telephone number 202/619–5348, fax number 202/260–0440 to request a Solicitation Package. The Solicitation Package contains detailed application information, required certification forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify USIA Program Officer's *Name* on all other inquiries and correspondence.

TO DOWNLOAD A SOLICITATION PACKAGE VIA INTERNET: The entire Solicitation Package may be downloaded from USIA's website at http://e.usia.gov/education/rfps. Please read all information before downloading.

DEADLINE FOR PROPOSALS: All proposal copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on Friday, May 21, 1999. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline. Applicants must follow all instructions in the Solicitation Package. Please include attachments of relevant resumes and two letters of indorsement.

The original and 10 copies of the application should be sent to: U.S. Information Agency, Ref.: E/P–99–50, Office of Grants Management, E/XE, Room 326, 301 4th Street, S.W., Washington, D.C. 20547.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and program content. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, USIA shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Proposals should reflect advancement of this goal in their program contents, to the full extent deemed feasible.

Year 2000 Compliance Requirement (Y2K Requirement)

The Year 2000 (Y2K) issue is a broad operational and accounting problem that could potentially prohibit organizations from processing information in accordance with Federal management and program specific requirements including data exchange with USIA. The inability to process information in accordance with Federal requirements could result in grantees' being required to return funds that have not been accounted for properly.

USIA therefore requires that all organizations use Y2K compliant systems including hardware, software, and firmware. Systems must accurately process data and dates (calculating, comparing and sequencing) both before and after the beginning of the year 2000 and correctly adjust for leap years.

Additional information addressing the Y2K issue may be found at the General Services Administration's Office of Information Technology website at: http://www.itpolicy.gsa.gov.

Review Process

In support of first-time applicants, the grant proposal, budget and review process has been modified for this competition. The proposal narrative should not exceed six pages double-spaced and be developed around the review criteria below. Budget should be contained on one page. Please follow the enclosed Request for Proposal (RFP) Proposal Submission Instructions (PSI). Proposals will be reviewed in two tiers. First, all proposals will be read and reviewed by a qualified staff team from the Office of Citizen Exchanges and the respective USIA Area Office. Second, the most competitive will be forwarded to USIA posts overseas and to panels of Agency-wide USIA officers for formal advisory review. Non-finalists will be advised at this point in the process. Final funding decisions will be made at the discretion of USIA's Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA Grants Officer.

Review Criteria

Applications will be competitively reviewed according to the criteria stated below:

1. *Quality of program idea and ability to achieve objectives:* Program objectives should be clearly and precisely stated. Applications should respond to priorities in this announcement and articulate the organization's ability to successfully carry out objectives. Staff and participant responsibilities and timetable should be clearly designated.

2. *Cost effectiveness and Cost sharing:* Administrative costs should be kept low. Proposals should maximize cost-sharing through support and in-kind contributions.

3. *Monitoring/Reporting:* Proposals should provide a brief plan for submitting written reports midway through the program and at the end. Reports should include accomplishments, problems encountered, and impact on American and overseas communities.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries* * * ; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

Dated: April 20, 1999.

Judith Siegel,

Deputy Associate Director for Educational and Cultural Affairs.

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Wheelchair securement devices; anchorages; comments due by 5-4-99; published 3-5-99

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Railroad consolidations, mergers, and acquisitions of control:

Safety integration plans; comments due by 5-4-99; published 4-21-99

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Escrow funds and other similar funds; comments due by 5-3-99; published 2-1-99

Low-income housing credit; compliance monitoring and miscellaneous issues; comments due by 5-6-99; published 1-8-99

Correction; comments due by 5-6-99; published 3-24-99

Passive foreign investment companies—

Marketable stock; definition; comments due by 5-3-99; published 2-2-99

Stock and other personal property disposition loss allocation and foreign tax credit limitation computation; cross reference; comment request and hearing; comments due by 5-5-99; published 1-11-99

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1376/P.L. 106–21

To extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes. (Apr. 19, 1999; 113 Stat. 34)

Last List April 15, 1999

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1998
3 (1997 Compilation and Parts 100 and 101)	(869–038–00002–4)	20.00	[1] Jan. 1, 1999
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1998
5 Parts:			
1–699	(869–038–00004–1)	37.00	Jan. 1, 1999
700–1199	(869–034–00005–3)	26.00	Jan. 1, 1998
*1200–End, 6 (6 Reserved)	(869–038–00006–7)	44.00	Jan. 1, 1999
7 Parts:			
1–26	(869–038–00007–5)	25.00	Jan. 1, 1999
27–52	(869–038–00008–3)	32.00	Jan. 1, 1999
53–209	(869–038–00009–1)	20.00	Jan. 1, 1999
210–299	(869–038–00010–5)	47.00	Jan. 1, 1999
300–399	(869–038–00011–3)	25.00	Jan. 1, 1999
400–699	(869–038–00012–1)	37.00	Jan. 1, 1999
700–899	(869–038–00013–0)	32.00	Jan. 1, 1999
900–999	(869–038–00014–8)	41.00	Jan. 1, 1999
1000–1199	(869–034–00015–1)	44.00	Jan. 1, 1998
1200–1599	(869–038–00016–4)	34.00	Jan. 1, 1999
1600–1899	(869–034–00017–7)	58.00	Jan. 1, 1998
1900–1939	(869–038–00018–1)	19.00	Jan. 1, 1999
1940–1949	(869–038–00019–9)	34.00	Jan. 1, 1999
1950–1999	(869–038–00020–2)	41.00	Jan. 1, 1999
2000–End	(869–038–00021–1)	27.00	Jan. 1, 1999
***8**	(869–038–00022–9)	36.00	Jan. 1, 1999
9 Parts:			
1–199	(869–038–00023–7)	42.00	Jan. 1, 1999
200–End	(869–034–00024–0)	33.00	Jan. 1, 1998
10 Parts:			
0–50	(869–034–00025–8)	39.00	Jan. 1, 1998
51–199	(869–038–00026–1)	34.00	Jan. 1, 1999
200–499	(869–038–00027–0)	33.00	Jan. 1, 1999
500–End	(869–038–00028–8)	43.00	Jan. 1, 1999
11	(869–038–0002–6)	20.00	Jan. 1, 1999
12 Parts:			
1–199	(869–038–00030–0)	17.00	Jan. 1, 1999
200–219	(869–038–00031–8)	20.00	Jan. 1, 1999
220–299	(869–038–00032–6)	40.00	Jan. 1, 1999
300–499	(869–038–00033–4)	25.00	Jan. 1, 1999
500–599	(869–038–00034–2)	24.00	Jan. 1, 1999
600–End	(869–034–00035–5)	44.00	Jan. 1, 1998
13	(869–038–00036–9)	25.00	Jan. 1, 1999
14 Parts:			
1–59	(869–038–00037–7)	50.00	Jan. 1, 1999
*60–139	(869–038–00038–5)	42.00	Jan. 1, 1999
140–199	(869–038–00039–3)	17.00	Jan. 1, 1999
200–1199	(869–034–00040–1)	29.00	Jan. 1, 1998
1200–End	(869–038–00041–5)	24.00	Jan. 1, 1999
15 Parts:			
0–299	(869–034–00042–8)	22.00	Jan. 1, 1998
*300–799	(869–038–00043–1)	36.00	Jan. 1, 1999
800–End	(869–038–00044–0)	24.00	Jan. 1, 1999
16 Parts:			
0–999	(869–038–00045–8)	32.00	Jan. 1, 1999
1000–End	(869–034–00046–1)	33.00	Jan. 1, 1998
17 Parts:			
1–199	(869–034–00048–7)	27.00	Apr. 1, 1998
200–239	(869–034–00049–5)	32.00	Apr. 1, 1998
240–End	(869–034–00050–9)	40.00	Apr. 1, 1998
18 Parts:			
1–399	(869–034–00051–7)	45.00	Apr. 1, 1998
400–End	(869–034–00052–5)	13.00	Apr. 1, 1998
19 Parts:			
1–140	(869–034–00053–3)	34.00	Apr. 1, 1998
141–199	(869–034–00054–1)	33.00	Apr. 1, 1998
200–End	(869–034–00055–0)	15.00	Apr. 1, 1998
20 Parts:			
1–399	(869–034–00056–8)	29.00	Apr. 1, 1998
400–499	(869–034–00057–6)	28.00	Apr. 1, 1998
500–End	(869–034–00058–4)	44.00	Apr. 1, 1998
21 Parts:			
1–99	(869–034–00059–2)	21.00	Apr. 1, 1998
100–169	(869–034–00060–6)	27.00	Apr. 1, 1998
170–199	(869–034–00061–4)	28.00	Apr. 1, 1998
200–299	(869–034–00062–2)	9.00	Apr. 1, 1998
300–499	(869–034–00063–1)	50.00	Apr. 1, 1998
500–599	(869–034–00064–9)	28.00	Apr. 1, 1998
600–799	(869–034–00065–7)	9.00	Apr. 1, 1998
800–1299	(869–034–00066–5)	32.00	Apr. 1, 1998
1300–End	(869–034–00067–3)	12.00	Apr. 1, 1998
22 Parts:			
1–299	(869–034–00068–1)	41.00	Apr. 1, 1998
300–End	(869–034–00069–0)	31.00	Apr. 1, 1998
23	(869–034–00070–3)	25.00	Apr. 1, 1998
24 Parts:			
0–199	(869–034–00071–1)	32.00	Apr. 1, 1998
200–499	(869–034–00072–0)	28.00	Apr. 1, 1998
500–699	(869–034–00073–8)	17.00	Apr. 1, 1998
700–1699	(869–034–00074–6)	45.00	Apr. 1, 1998
1700–End	(869–034–00075–4)	17.00	Apr. 1, 1998
25	(869–034–00076–2)	42.00	Apr. 1, 1998
26 Parts:			
§§ 1.0-1–1.60	(869–034–00077–1)	26.00	Apr. 1, 1998
§§ 1.61–1.169	(869–034–00078–9)	48.00	Apr. 1, 1998
§§ 1.170–1.300	(869–034–00079–7)	31.00	Apr. 1, 1998
§§ 1.301–1.400	(869–034–00080–1)	23.00	Apr. 1, 1998
§§ 1.401–1.440	(869–034–00081–9)	39.00	Apr. 1, 1998
§§ 1.441-1.500	(869-034-00082-7)	29.00	Apr. 1, 1998
§§ 1.501–1.640	(869–034–00083–5)	27.00	Apr. 1, 1998
§§ 1.641–1.850	(869–034–00084–3)	32.00	Apr. 1, 1998
§§ 1.851–1.907	(869–034–00085–1)	36.00	Apr. 1, 1998
§§ 1.908–1.1000	(869–034–00086–0)	35.00	Apr. 1, 1998
§§ 1.1001–1.1400	(869–034–00087–8)	38.00	Apr. 1, 1998
§§ 1.1401–End	(869–034–00088–6)	51.00	Apr. 1, 1998
2–29	(869–034–00089–4)	36.00	Apr. 1, 1998
30–39	(869–034–00090–8)	25.00	Apr. 1, 1998
40–49	(869–034–00091–6)	16.00	Apr. 1, 1998
50–299	(869–034–00092–4)	19.00	Apr. 1, 1998
300–499	(869–034–00093–2)	34.00	Apr. 1, 1998
500–599	(869–034–00094–1)	10.00	Apr. 1, 1998
600–End	(869–034–00095–9)	9.00	Apr. 1, 1998
27 Parts:			
1–199	(869–034–00096–7)	49.00	Apr. 1, 1998

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200–End	(869–034–00097–5)	17.00	[6] Apr. 1, 1998
28 Parts:			
0-42	(869–034–00098–3)	36.00	July 1, 1998
43-end	(869-034-00099-1)	30.00	July 1, 1998
29 Parts:			
0–99	(869–034–00100–9)	26.00	July 1, 1998
100–499	(869–034–00101–7)	12.00	July 1, 1998
500–899	(869–034–00102–5)	40.00	July 1, 1998
900–1899	(869–034–00103–3)	20.00	July 1, 1998
1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–1)	44.00	July 1, 1998
1910 (§§ 1910.1000 to end)	(869–034–00105–0)	27.00	July 1, 1998
1911–1925	(869–034–00106–8)	17.00	July 1, 1998
1926	(869–034–00107–6)	30.00	July 1, 1998
1927–End	(869–034–00108–4)	41.00	July 1, 1998
30 Parts:			
1–199	(869–034–00109–2)	33.00	July 1, 1998
200–699	(869–034–00110–6)	29.00	July 1, 1998
700–End	(869–034–00111–4)	33.00	July 1, 1998
31 Parts:			
0–199	(869–034–00112–2)	20.00	July 1, 1998
200–End	(869–034–00113–1)	46.00	July 1, 1998
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–034–00114–9)	47.00	July 1, 1998
191–399	(869–034–00115–7)	51.00	July 1, 1998
400–629	(869–034–00116–5)	33.00	July 1, 1998
630–699	(869–034–00117–3)	22.00	[4] July 1, 1998
700–799	(869–034–00118–1)	26.00	July 1, 1998
800–End	(869–034–00119–0)	27.00	July 1, 1998
33 Parts:			
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125–199	(869–034–00121–1)	38.00	July 1, 1998
200–End	(869–034–00122–0)	30.00	July 1, 1998
34 Parts:			
1–299	(869–034–00123–8)	27.00	July 1, 1998
300–399	(869–034–00124–6)	25.00	July 1, 1998
400–End	(869–034–00125–4)	44.00	July 1, 1998
35	(869–034–00126–2)	14.00	July 1, 1998
36 Parts			
1–199	(869–034–00127–1)	20.00	July 1, 1998
200–299	(869–034–00128–9)	21.00	July 1, 1998
300–End	(869–034–00129–7)	35.00	July 1, 1998
37	(869–034–00130–1)	27.00	July 1, 1998
38 Parts:			
0–17	(869–034–00131–9)	34.00	July 1, 1998
18–End	(869–034–00132–7)	39.00	July 1, 1998
39	(869–034–00133–5)	23.00	July 1, 1998
40 Parts:			
1–49	(869–034–00134–3)	31.00	July 1, 1998
50–51	(869–034–00135–1)	24.00	July 1, 1998
52 (52.01–52.1018)	(869–034–00136–0)	28.00	July 1, 1998
52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
60	(869–034–00139–4)	53.00	July 1, 1998
61–62	(869–034–00140–8)	18.00	July 1, 1998
63	(869–034–00141–6)	57.00	July 1, 1998
64–71	(869–034–00142–4)	11.00	July 1, 1998
72–80	(869–034–00143–2)	36.00	July 1, 1998
81–85	(869–034–00144–1)	31.00	July 1, 1998
86	(869–034–00144–9)	53.00	July 1, 1998
87-135	(869–034–00146–7)	47.00	July 1, 1998
136–149	(869–034–00147–5)	37.00	July 1, 1998
150–189	(869–034–00148–3)	34.00	July 1, 1998
190–259	(869–034–00149–1)	23.00	July 1, 1998
260–265	(869–034–00150–9)	29.00	July 1, 1998
266–299	(869–034–00151–3)	33.00	July 1, 1998
300–399	(869–034–00152–1)	26.00	July 1, 1998
400–424	(869–034–00153–0)	33.00	July 1, 1998
425–699	(869–034–00154–8)	42.00	July 1, 1998
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790–End	(869–034–00156–4)	22.00	July 1, 1998
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
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7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
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101	(869–034–00158–1)	37.00	July 1, 1998
102–200	(869–034–00158–9)	15.00	July 1, 1998
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42 Parts:			
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430–End	(869–034–00163–7)	51.00	Oct. 1, 1998
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1000–end	(869–034–00165–3)	48.00	Oct. 1, 1998
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45 Parts:			
1–199	(869–034–00167–0)	30.00	Oct. 1, 1998
200–499	(869–034–00168–8)	18.00	Oct. 1, 1998
500–1199	(869–034–00169–6)	29.00	Oct. 1, 1998
1200–End	(869–034–00170–0)	39.00	Oct. 1, 1998
46 Parts:			
1–40	(869–034–00171–8)	26.00	Oct. 1, 1998
41–69	(869–034–00172–6)	21.00	Oct. 1, 1998
70–89	(869–034–00173–4)	8.00	Oct. 1, 1998
90–139	(869–034–00174–2)	26.00	Oct. 1, 1998
140–155	(869–034–00175–1)	14.00	Oct. 1, 1998
156–165	(869–034–00176–9)	19.00	Oct. 1, 1998
166–199	(869–034–00177–7)	25.00	Oct. 1, 1998
200–499	(869–034–00178–5)	22.00	Oct. 1, 1998
500–End	(869–034–00179–3)	16.00	Oct. 1, 1998
47 Parts:			
0–19	(869–034–00180–7)	36.00	Oct. 1, 1998
20–39	(869–034–00181–5)	27.00	Oct. 1, 1998
40–69	(869–034–00182–3)	24.00	Oct. 1, 1998
70–79	(869–034–00183–1)	37.00	Oct. 1, 1998
80–End	(869–034–00184–0)	40.00	Oct. 1, 1998
48 Chapters:			
1 (Parts 1–51)	(869–034–00185–8)	51.00	Oct. 1, 1998
1 (Parts 52–99)	(869–034–00186–6)	29.00	Oct. 1, 1998
2 (Parts 201–299)	(869–034–00187–4)	34.00	Oct. 1, 1998
3–6	(869–034–00188–2)	29.00	Oct. 1, 1998
7–14	(869–034–00189–1)	32.00	Oct. 1, 1998
15–28	(869–034–00190–4)	33.00	Oct. 1, 1998
29–End	(869–034–00191–2)	24.00	Oct. 1, 1998
49 Parts:			
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100–185	(869–034–00193–9)	50.00	Oct. 1, 1998
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200–399	(869–034–00195–5)	46.00	Oct. 1, 1998
400–999	(869–034–00196–3)	54.00	Oct. 1, 1998
1000–1199	(869–034–00197–1)	17.00	Oct. 1, 1998
1200–End	(869–034–00198–0)	13.00	Oct. 1, 1998
50 Parts:			
1–199	(869–034–00199–8)	42.00	Oct. 1, 1998
200–599	(869–034–00200–5)	22.00	Oct. 1, 1998
600–End	(869–034–00201–3)	33.00	Oct. 1, 1998

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–034–00049–6)	46.00	Jan. 1, 1998
Complete 1998 CFR set		951.00	1998
Microfiche CFR Edition:			
Subscription (mailed as issued)		247.00	1998
Individual copies		1.00	1998
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period July 1, 1997 to June 30, 1998. The volume issued July 1, 1997, should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 1997 through December 31, 1997. The CFR volume issued as of January 1, 1997 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 1997, through April 1, 1998. The CFR volume issued as of April 1, 1997, should be retained.